STATUTORY INSTRUMENTS

2026 No. 1160

MERCHANT SHIPPING
TERMS AND CONDITIONS OF EMPLOYMENT
HARBOURS, DOCKS, PIERS AND FERRIES

The Seafarers (Wages and Working Conditions) Regulations 2026

Made - - - -	*2nd November 2026*
Laid before Parliament	*4th November 2026*
Coming into force - -	*1st December 2026*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 4A(1), (4)(b), (5) and (6), 4B(2), 4D(1), (2)(a) and (3)(a), 4E(2), (7), (8)(b) and (9), 4F(2), 9(1), (4) and (5), 10(4), 11(7), 16A(1)(a) and (b), 17(2), 18(3) and 19 of the Seafarers (Wages and Working Conditions) Act 2023(**1**).

In accordance with section 4D(5) of that Act, the Secretary of State in making these Regulations has sought to secure that a non-qualifying seafarer(**2**) is for the purposes of section 4D remunerated at a rate equal to the national minimum wage equivalent(**3**) only if their remuneration is in all the circumstances broadly equivalent to the remuneration they would receive if they qualified for the national minimum wage(**4**).

(**1**) 2023 c. 8, amended by the Employment Rights Act 2025 (c. 36), Schedule 5.
(**2**) "Non-qualifying seafarer" is defined in section 19 of the Seafarers (Wages and Working Conditions) Act 2023 (c. 8) by reference to section 2 of that Act; section 2 was amended by the Employment Rights Act 2025 (c. 36) ("the 2025 Act"), Schedule 5, paragraph 5 and section 19 was amended by the 2025 Act, Schedule 5, paragraph 23.
(**3**) See section 4D(1) of the Seafarers (Wages and Working Conditions) Act 2023 (c. 8) for the meaning of "national minimum wage equivalent"; section 4D was inserted by the Employment Rights Act 2025 (c. 36), Schedule 5, paragraph 9.
(**4**) See section 1(3) of the National Minimum Wage Act 1998 (c. 39) for the meaning of "national minimum wage".

Part 1

Introductory

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Seafarers (Wages and Working Conditions) Regulations 2026 and come into force on 1st December 2026.

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

Interpretation

2. In these Regulations—

"the 2024 Regulations" means the Seafarers' Wages Regulations 2024(**5**);

"basic hours" has the meaning given in regulation 21(8);

"calculation year" is to be construed in accordance with regulation 22;

"employer" in relation to a non-qualifying seafarer or a seafarer(**6**), means the person by whom the non-qualifying seafarer or seafarer is (or, where the employment has ceased, was) employed;

"employment" in relation to a non-qualifying seafarer or a seafarer, means employment under that person's contract and "employed" is to be construed accordingly;

"excess hours" is to be construed in accordance with regulation 26;

"hours" includes a fraction of an hour;

"national minimum wage equivalent" means the applicable hourly rate specified in regulation 7;

"pay reference period" has the meaning given in regulation 10;

"performance bonus" has the meaning given in regulation 21(9);

"refusal of access notification" means a communication from a habour authority(**7**) to an operator(**8**) containing the information required by regulation 52(6);

"relevant cross channel service" means a relevant service(**9**) to which these Regulations apply in accordance with regulation 5;

"salaried hours work" is to be construed in accordance with regulation 21;

"salary premium" has the meaning given in regulation 21(10);

"surcharge notification" means a communication from a harbour authority to an operator containing the information required by regulation 46(5);

"time work" has the meaning given in regulation 30;

"unmeasured work" has the meaning given in regulation 36.

(**5**) S.I. 2024/1015, to which there are amendments not relevant to these Regulations.
(**6**) "Seafarer" is defined in section 4E(1) of the Seafarers (Wages and Working Conditions) Act 2023 (c. 8); section 4E was inserted by the Employment Rights Act 2025 (c. 36), Schedule 5, paragraph 10.
(**7**) "Harbour" and "harbour authority" are defined in section 18 of the Seafarers (Wages and Working Conditions) Act 2023 (c. 8).
(**8**) "Operator" is defined in section 19 of the Seafarers (Wages and Working Conditions) Act 2023 (c. 8).
(**9**) "Relevant service" is defined in section 19 of the Seafarers (Wages and Working Conditions) Act 2023 (c. 8) by reference to section 1 of that Act and details the types of service to which the Act applies; section 1 was amended by the Employment Rights Act 2025 (c. 36) ("the 2025 Act"), Schedule 5, paragraph 3 and section 19 was amended by the 2025 Act, Schedule 5, paragraph 23.

Harbour authority

3.—(1) Where there is more than one harbour authority in respect of a harbour, the harbour authority in respect of the harbour for the purposes of the Seafarers (Wages and Working Conditions) Act 2023 and these Regulations is the harbour authority responsible for the berth at which ships(**10**) providing the relevant cross channel service dock.

(2) In this regulation, "berth" means any berth, dock, wharf, quay, pier, jetty or similar structure at which sea-going ships can ship or unship goods or embark or disembark passengers.

Relevant year

4. The first relevant year begins on 1st December 2026(**11**).

Relevant services to which these Regulations apply

5. These Regulations apply to a relevant service operated between a place in the United Kingdom and a place in France or a place in the Channel Islands.

Part 2

Remuneration

Chapter 1

Payment of the national minimum wage equivalent

Remuneration rate for non-qualifying seafarers

6. The minimum remuneration rate for a non-qualifying seafarer in respect of their work on a relevant cross channel service is a rate that is equal to the national minimum wage equivalent.

The national minimum wage equivalent rates

7.—(1) The hourly rate for the purposes of the national minimum wage equivalent is—

(a) £12.71 for a non-qualifying seafarer who is aged 21 years or over;

(b) £10.85 for a non-qualifying seafarer who is aged 18 years or over (but is not yet aged 21 years);

(c) £8.00 for a non-qualifying seafarer who is aged under 18 years;

(d) £8.00 for a non-qualifying seafarer to whom the apprenticeship rate applies, as determined in accordance with regulation 9.

(2) If the rate in paragraph (1)(d) applies to a non-qualifying seafarer, the rates in paragraph (1)(a) to (c) do not apply to that non-qualifying seafarer.

(**10**) "Ship" is defined in section 19 of the Seafarers (Wages and Working Conditions) Act 2023 (c. 8) by reference to section 1 of that Act; section 1 was amended by the Employment Rights Act 2025 (c. 36) ("the 2025 Act"), Schedule 5, paragraph 3 and section 19 was amended by the 2025 Act, Schedule 5, paragraph 23.

(**11**) "Relevant year" is defined in section 19 of the Seafarers (Wages and Working Conditions) Act 2023 (c. 8) as being the period of 12 months beginning with a date specified in regulations and each successive period of 12 months; section 19 was amended by the Employment Rights Act 2025 (c. 36), Schedule 5, paragraph 23.

Determining the applicable national minimum wage equivalent

8. The national minimum wage equivalent applicable to a non-qualifying seafarer in a pay reference period is the rate which applies to the non-qualifying seafarer on the first day of that period.

Determining whether the apprenticeship rate applies

9.—(1) The apprenticeship rate applies to a non-qualifying seafarer—

(a) who is employed under a contract of apprenticeship, apprenticeship agreement (within the meaning of section 32 of the Apprenticeships, Skills, Children and Learning Act 2009(**12**)) or an approved English apprenticeship agreement (within the meaning of section A1(3) of that Act(**13**)), or who is treated as employed under a contract of apprenticeship, and

(b) who is within the first 12 months after the commencement of that employment or under 19 years of age.

(2) A non-qualifying seafarer is treated as employed under a contract of apprenticeship if the seafarer is engaged—

(a) in England, under Government arrangements known as Apprenticeships (Intermediate, Advanced, Higher and Degree Levels);

(b) in Scotland, under Government arrangements known as Modern Apprenticeships;

(c) in Northern Ireland, under Government arrangements known as Apprenticeships NI;

(d) in Wales, under Government arrangements known as Foundation Apprenticeships, Apprenticeships, Higher Apprenticeships or Degree Apprenticeships.

(3) In paragraph (1)(b), a non-qualifying seafarer does not commence employment with an employer where that seafarer has previously been employed by another employer and the continuity of employment is preserved between the two employments by or under any enactment.

(4) In this regulation, "Government arrangements" means—

(a) in England, arrangements made by the Secretary of State under section 2 of the Employment and Training Act 1973(**14**) or section 17B of the Jobseekers Act 1995(**15**);

(b) in Wales, arrangements made by the Secretary of State or the Welsh Ministers under section 2 of the Employment and Training Act 1973, by the Secretary of State under section 17B of the Jobseekers Act 1995 or by the Commission for Tertiary Education and Research under section 89(3), 93, 95 or 97 of the Tertiary Education and Research (Wales) Act 2022(**16**) or section 65 of the Further and Higher Education Act 1992(**17**);

(c) in Scotland, arrangements made by the Secretary of State or the Scottish Ministers under section 2 of the Employment and Training Act 1973 or by Scottish Enterprise or Highlands

(**12**) 2009 c. 22; there are amendments to section 32 not relevant to these Regulations.
(**13**) Section A1(3) was inserted by the Deregulation Act 2015 (c. 20), Schedule 1, Part 1, paragraph 1. It was subsequently amended by the Enterprise Act 2016 (c. 12), Schedule 4, paragraph 4, the Technical and Further Education Act 2017 (c. 19), Schedule 1, paragraph 9 and the Institute for Apprenticeships and Technical Education (Transfer of Functions etc) Act 2025 (c. 14), section 4(6).
(**14**) 1973 c. 50; section 2 was substituted by the Employment Act 1988 (c. 19), section 25; subsections (3A) and (3B) were inserted by the Trade Union Reform and Employment Rights Act 1993 (c. 19), section 47; subsections (4) and (6) were repealed by the Employment Act 1989 (c. 38), section 29(4) and Schedule 7, Part 1.
(**15**) 1995 c. 18; section 17B was inserted by the Welfare Reform Act 2009 (c. 24), section 1.
(**16**) 2022 asc 1.
(**17**) 1992 c. 13; section 65 was amended by the Teaching and Higher Education Act 1998 (c. 30), section 27, the Special Education Needs and Disability Act 2001 (c. 10), section 42(6) and Schedule 9, S.I. 2010/1158 and the Higher Education and Research Act 2017 (c. 29), Schedule 11, paragraph 15. Section 65 has been modified on a transitional basis by S.I. 2024/806 (W. 130) so that until section 65 is repealed by the commencement of Schedule 4 to the Tertiary Education and Research (Wales) Act 2022 (asc 1) references to the HEFCW are to be read as references to the Commission for Tertiary Education and Research established by section 1 of that Act.

and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990(**18**);

(d) in Northern Ireland, arrangements made by the Department for Communities or the Department for the Economy under section 1 of the Employment and Training Act (Northern Ireland) 1950(**19**).

Pay reference period

10. A pay reference period is a month, or in the case of a non-qualifying seafarer who is paid wages by reference to a period shorter than a month, that period.

Calculation to determine whether the national minimum wage equivalent has been paid

11. For the purposes of determining whether a non-qualifying seafarer has been paid at a rate which is at least equal to the national minimum wage equivalent, the non-qualifying seafarer's remuneration is to be calculated as follows—

remuneration / hours of work

where—

"remuneration" is the remuneration in the pay reference period determined in accordance with Chapter 2 of this Part;

"hours of work" is the hours of work in the pay reference period determined in accordance with Chapter 3 of this Part.

Chapter 2

Determination of remuneration for the purposes of the national minimum wage equivalent

Remuneration in a pay reference period

12. The remuneration in a pay reference period is the payments from the employer treated as payments to the non-qualifying seafarer in respect of the pay reference period determined in accordance with regulations 13 and 14, less the reductions in respect of the pay reference period determined in accordance with regulations 15 to 17.

Payments as respects the pay reference period

13.—(1) The following payments, except as provided in regulation 14, are to be treated as payments by the employer to the non-qualifying seafarer as respects the pay reference period—

(a) subject to paragraph (2), payments paid by the employer to the non-qualifying seafarer in the pay reference period;

(b) payments paid by the employer to the non-qualifying seafarer in the following pay reference period as respects the pay reference period (whether as respects work or not);

(c) where a non-qualifying seafarer's contract terminates then as respects the non-qualifying seafarer's final pay reference period, payments paid by the employer to the non-qualifying

(**18**) 1990 c. 35; section 2 was amended by S.I. 1999/1820, the Trade Union Reform and Employment Rights Act 1993 (c. 19), section 47 and Schedule 10, and the Equality Act 2010 (c. 15), Schedule 26, Part 1, paragraph 20.

(**19**) 1950 c. 29 (N.I.); the powers of the Department under section 1 were extended by S.I. 1974/2144 (N.I. 7), Article 8; subsections (1) to (1C) were inserted by S.I. 1988/1087 (N.I. 10); subsections (2) and (3) were amended by S.I. 1990/1200 (N.I. 8), Article 5; section 1(1A)(d) was amended by the Employment Act (Northern Ireland) 2010 c. 12 (N.I.), Schedule 1, paragraph 1. The power to make the arrangements was transferred to the Department for Communities and the Department for the Economy by S.R. 2016/76, which amended the definition of "the Department" in section 10 of the Act (see Schedule 6, article 35(a)).

seafarer in the period of a month beginning with the day after that on which the contract was terminated.

(2) Payments paid by the employer to the non-qualifying seafarer in the pay reference period as respects a previous pay reference period are not to be treated as payments as respects the pay reference period in which they are paid.

Payments and benefits in kind which do not form part of a non-qualifying seafarer's remuneration

14. The following payments and benefits in kind are not to be treated as payments by the employer to the non-qualifying seafarer—

(a) payments by way of an advance under an agreement for a loan or by way of an advance of wages;

(b) payment of a pension, allowance or gratuity in connection with the non-qualifying seafarer's retirement or as compensation for loss of office;

(c) payment of an award made by a court or tribunal or a payment to settle proceedings which have been or might be brought before a court or tribunal, other than the payment of an amount due under the non-qualifying seafarer's contract;

(d) payments referable to the non-qualifying seafarer's redundancy;

(e) payment of an award for a suggestion made by the non-qualifying seafarer under a scheme established by the employer or operator to reward suggestions made by non-qualifying seafarers;

(f) benefits in kind provided to the non-qualifying seafarer, whether or not a monetary value is attached to the benefit;

(g) a voucher, stamp or similar document capable of being exchanged for money, goods or services (or for any combination of those things);

(h) payments as respects hours which are not, or not treated as—

(i) hours of time work in accordance with regulation 35, or

(ii) hours of unmeasured work in accordance with regulation 41;

(i) payments, in the context of salaried hours work, attributable to the hours to be reduced under regulation 25 (absences from work) whether directly or by reason of regulation 28(3) (where the non-qualifying seafarer works excess hours);

(j) payments paid by the employer to the non-qualifying seafarer as respects hours of time work or unmeasured work in the pay reference period—

(i) if there is a lower rate per hour which could be payable under the contract as respects that work (including if the work was done at a different time or in different circumstances), and

(ii) to the extent that such payments exceed the lowest rate;

(k) payments paid by the employer to the non-qualifying seafarer attributable to a particular aspect of the working arrangements or to working or personal circumstances that are not consolidated into the non-qualifying seafarer's standard pay unless the payments are attributable to the performance of the non-qualifying seafarer in carrying out the work;

(l) payments paid by the employer or operator to the non-qualifying seafarer as respects the non-qualifying seafarer's expenditure in connection with the employment;

(m) payments paid by the employer or operator to the non-qualifying seafarer representing amounts paid by customers by way of a service charge, tip, gratuity or cover charge;

(n) payments paid by the employer or operator to the non-qualifying seafarer as respects travelling expenses that are allowed as deductions from earnings under section 338 of the Income Tax (Earnings and Pensions) Act 2003(**20**);

(o) payment of a salary premium.

Reductions which reduce the non-qualifying seafarer's remuneration

15.—(1) For the purposes of regulation 12, the reductions in the pay reference period are determined by adding together all of the payments or deductions treated as reductions in that period in accordance with regulations 16 and 17.

(2) To the extent that any payment or deduction is to be treated as a reduction by virtue of more than one provision in those regulations, it is to be counted only once.

Deductions or payments for the employer's or operator's own use and benefit

16.—(1) Deductions made by the employer in the pay reference period, or payments due from the non-qualifying seafarer to the employer or operator in the pay reference period, for the employer's or operator's own use and benefit are treated as reductions except as specified in paragraph (2).

(2) The following deductions and payments are not treated as reductions—

(a) deductions, or payments, in respect of the non-qualifying seafarer's conduct, or any other event, where the non-qualifying seafarer (whether together with another non-qualifying seafarer or not) is contractually liable;

(b) deductions, or payments, on account of an advance under an agreement for a loan or an advance of wages;

(c) deductions, or payments, as respects an accidental overpayment of wages made by the employer to the non-qualifying seafarer;

(d) deductions, or payments, as respects the purchase by the non-qualifying seafarer of shares, other securities or share options, or of a share in a partnership;

(e) payments as respects the purchase by the non-qualifying seafarer of goods or services from the employer or operator, unless—

(i) the purchase is made in order to comply with a requirement imposed by the employer or operator in connection with the non-qualifying seafarer's employment, and

(ii) the payment is not met, or not intended to be met, by a payment paid to the non-qualifying seafarer by the employer or operator.

Deductions or payments as respects a non-qualifying seafarer's expenditure or living accommodation

17.—(1) The following deductions are to be treated as reductions if the deduction is made by the employer in the pay reference period—

(a) deductions as respects the non-qualifying seafarer's expenditure in connection with the employment;

(b) deductions as respects the provision of living accommodation by the employer or operator to the non-qualifying seafarer.

(2) The following payments are to be treated as reductions if the payment is paid by or due from the non-qualifying seafarer in the pay reference period—

(**20**) 2003 c. 1.

(a) payments to the employer as respects the non-qualifying seafarer's expenditure in connection with the employment;

(b) payments to the employer as respects the provision of living accommodation by the employer or operator to the non-qualifying seafarer;

(c) payments to any other person on account of such expenditure or provision.

(3) The payments referred to in paragraph (2) are not to be treated as reductions if the expenditure is met, or intended to be met, by a payment paid to the non-qualifying seafarer by the employer or operator.

Chapter 3

Determination of hours worked for the purposes of the national minimum wage equivalent

Section 1

Introductory provisions

Hours of work in a pay reference period

18. The hours of work in a pay reference period are the hours worked or treated as worked by the non-qualifying seafarer in the pay reference period as determined—

(a) for salaried hours work, in accordance with regulations 21 to 29;

(b) for time work, in accordance with regulations 30 to 35;

(c) for unmeasured work, in accordance with regulations 36 to 41.

Hours spent training

19.—(1) In this Chapter, references to "training" include hours when the non-qualifying seafarer is—

(a) attending at a place other than the non-qualifying seafarer's normal place of work, when the non-qualifying seafarer would otherwise be working, for the purpose of receiving training that has been approved by the employer or operator;

(b) travelling, when the non-qualifying seafarer would otherwise be working, between a place of work and a place where the non-qualifying seafarer receives such training;

(c) receiving such training at the non-qualifying seafarer's normal place of work.

(2) In paragraph (1), hours when the non-qualifying seafarer would "otherwise be working" include any hours when the non-qualifying seafarer is attending at a place or travelling where it is uncertain whether the non-qualifying seafarer would otherwise be working because the non-qualifying seafarer's hours of work vary either as to their length or in respect of the time at which they are performed.

Hours spent travelling

20. In this Chapter, references to "travelling" include hours when the non-qualifying seafarer is—

(a) in the course of a journey by a mode of transport or is making a journey on foot;

(b) waiting at a place of departure to begin a journey by a mode of transport;

(c) waiting at a place of departure for a journey to re-commence either by the same or another mode of transport, except for any time the non-qualifying seafarer spends taking a rest break;

(d) waiting at the end of a journey for the purpose of carrying out duties, or to receive training, except for any time the non-qualifying seafarer spends taking a rest break.

Section 2

Salaried hours work

Meaning of salaried hours work

21.—(1) "Salaried hours work" is work which is done under a non-qualifying seafarer's contract and which meets the conditions in paragraphs (2) to (5).

(2) The first condition is that the non-qualifying seafarer is entitled under their contract to be paid—

(a) an annual salary, or

(b) an annual salary and one or both of—

(i) a performance bonus, and

(ii) a salary premium.

(3) The second condition is that the non-qualifying seafarer is entitled under their contract to be paid that salary or salary and performance bonus or salary premium (or all three) in respect of their basic hours.

(4) The third condition is that the non-qualifying seafarer is not entitled under their contract to a payment in respect of their basic hours other than—

(a) an annual salary, or

(b) an annual salary and one or both of—

(i) a performance bonus, and

(ii) a salary premium.

(5) The fourth condition is that the non-qualifying seafarer is entitled under their contract to be paid, where practicable and regardless of the number of hours actually worked in a particular week, month or other period, in instalments which—

(a) are equal and occur not more often than weekly and not less often than monthly, or

(b) occur monthly and vary but have the result that the seafarer is entitled to be paid an equal amount in each quarter.

(6) Circumstances where it may not be practicable to pay a non-qualifying seafarer by equal instalments, or by an equal amount in each quarter, include where—

(a) a performance bonus is awarded;

(b) a salary premium is paid;

(c) the annual salary is varied;

(d) a payment is made in respect of hours in addition to basic hours;

(e) the employment starts or terminates during a week, month or other period provided for in paragraph (5)(a) with the result that the non-qualifying seafarer is paid a proportionate amount of their annual salary for that week, month or other period.

(7) Work may be salaried hours work whether or not—

(a) all the basic hours are working hours;

(b) the non-qualifying seafarer works hours in excess of the basic hours (whether the seafarer is entitled to be paid for those excess hours or not);

(c) the annual salary may be reduced due to an absence from work.

(8) "Basic hours" are a number of hours in a year specified in or ascertained in accordance with a non-qualifying seafarer's contract.

(9) A "performance bonus" is a payment paid to a non-qualifying seafarer on merit attributable to the quality or amount of work done in the course of more than one pay reference period.

(10) A "salary premium" is—

(a) an amount of pay which is—

(i) in addition to the annual salary, and

(ii) an increase in the rate of pay for particular working hours,

(b) in respect of the basic hours, and

(c) attributable to working—

(i) at a particular time of the day;

(ii) on a particular day;

(iii) at a particular location;

(iv) in a particular working environment;

(v) within a particular geographical area;

(vi) on a particular task;

(vii) subject to a particular responsibility.

Meaning of calculation year

22.—(1) "Calculation year" has the meaning given in the following paragraphs.

(2) For a non-qualifying seafarer whose annual salary is payable monthly then—

(a) if the non-qualifying seafarer commenced the employment on the first day of a month, the calculation year is—

(i) the year beginning with that day;

(ii) in each subsequent year, a year beginning on an anniversary of that day;

(b) if the non-qualifying seafarer commenced the employment on any other day of a month, the calculation year is—

(i) the period beginning with that day and ending with the day before the first anniversary of the first day of the next month;

(ii) in each subsequent year, a year beginning on an anniversary of the first day of that month.

(3) For a non-qualifying seafarer whose annual salary is payable other than monthly the calculation year is—

(a) the year beginning with the first day of the employment;

(b) in each subsequent year, a year beginning on an anniversary of that day.

Determining the basic hours in the calculation year

23.—(1) The basic hours in a calculation year are determined in accordance with the following paragraphs.

(2) The basic hours in the calculation year are the basic hours specified or ascertained in accordance with the non-qualifying seafarer's contract at the start of the calculation year, unless there is a variation to the basic hours which takes effect in the calculation year.

(3) Where a variation to the basic hours takes effect in the calculation year, the basic hours in the calculation year are determined by adding together—

(a) the proportion of basic hours in the calculation year in the period before the day on which the variation takes effect, and

(b) the proportion of basic hours in the calculation year in the period beginning on the day on which the variation takes effect and ending at the end of the calculation year.

(4) If more than one contractual variation takes effect in the calculation year, the basic hours in the calculation year are determined by adding together—

(a) the proportion of basic hours in the calculation year in the period before the day on which the first variation takes effect, and

(b) for each variation, the proportion of basic hours in the calculation year in the period beginning on the day on which the variation takes effect and ending—

(i) on the day before the day on which the next variation takes effect, or

(ii) in the case of the final variation, at the end of the calculation year.

(5) The proportion of basic hours in the calculation year for each of the periods in paragraphs (3) and (4) is calculated using the formula—

(D / 365) x H

where—

"D" means the number of days in the period;

"H" means the basic hours applicable to that period.

Determining total hours of salaried hours work in a pay reference period

24.—(1) The total hours of salaried hours work in a pay reference period are to be calculated in accordance with the following paragraphs.

(2) Where the pay reference period is a week, the total hours of salaried hours work in that period are the basic hours divided by 52.

(3) Where the pay reference period is two weeks, the total hours of salaried hours work in that period are the basic hours divided by 26.

(4) Where the pay reference period is four weeks, the total hours of salaried hours work in that period are the basic hours divided by 13.

(5) Where the pay reference period is a month, the total hours of salaried hours work in that period are the basic hours divided by 12.

(6) Where the pay reference period is any other period, the total hours of salaried hours work in that period are the basic hours divided by the figure obtained by dividing 365 by the number of days in the pay reference period.

(7) The basic hours are to be ascertained in accordance with the non-qualifying seafarer's contract on the first day of the pay reference period in question unless paragraphs (8) or (9) apply.

(8) The total hours of salaried hours work in a pay reference period are to be ascertained in accordance with regulations 26 to 28 (excess hours) if the non-qualifying seafarer—

(a) during or before the payment reference period, works hours in excess of the basic hours in the calculation year, and

(b) is not entitled to be paid more than an annual salary, a performance bonus and a salary premium for those excess hours.

(9) The total hours of salaried hours work in a pay reference period are to be determined in accordance with regulation 29 (hours of salaried hours work if employment terminates or contract varied) if—

(a) the employment terminates before the end of the calculation year, or

(b) the contract is varied before the end of the calculation year so that it is no longer a contract for salaried hours work.

Absences from work to be reduced from the total hours of salaried hours work in a pay reference period

25.—(1) The hours a non-qualifying seafarer is absent from work are to be subtracted from the total hours of salaried hours work in a pay reference period if both the following conditions are met—

(a) the employer is entitled under the seafarer's contract to reduce the annual salary due to the absence;

(b) the employer pays the seafarer less than the normal proportion of annual salary in the pay reference period as a result of the absence.

(2) The hours during which a non-qualifying seafarer takes industrial action are to be subtracted from the total hours of salaried hours work in a pay reference period if an annual salary was payable for those hours, or would have been payable but for the industrial action.

Determining whether a non-qualifying seafarer works excess hours

26.—(1) A non-qualifying seafarer works excess hours if all of the following hours added together exceed the basic hours in a calculation year—

(a) hours worked which form part of the basic hours in the calculation year;

(b) hours when the non-qualifying seafarer was absent from work which form part of the basic hours in the calculation year;

(c) hours worked in the calculation year which do not form part of the basic hours in the calculation year in respect of which the non-qualifying seafarer had no entitlement under their contract to a payment other than annual salary or annual salary and a performance bonus or salary premium (or all three);

(d) hours treated as worked in accordance with regulation 27 to the extent that such hours consist of hours in respect of which the non-qualifying seafarer had no entitlement under their contract to a payment other than annual salary or annual salary and a performance bonus or salary premium (or all three).

(2) Hours during which the non-qualifying seafarer was taking part in industrial action are not to be included in sub-paragraphs (a) to (d) of paragraph (1).

Hours treated as worked for the purpose of determining whether a seafarer works excess hours

27.—(1) The hours listed in paragraph (2) are treated as worked—

(a) for the purposes of regulation 26(1)(d) and accordingly for the purposes of determining whether the non-qualifying seafarer works excess hours in a calculation year;

(b) for the purposes of determining the number of hours of salaried hours work in that year in accordance with regulation 28 where the non-qualifying seafarer works excess hours.

(2) The hours referred to in paragraph (1) are—

(a) hours the non-qualifying seafarer spends training when the non-qualifying seafarer would otherwise be working;

(b) hours the non-qualifying seafarer is available at or near a place of work for the purposes of working, unless the non-qualifying seafarer is at home;

(c) hours the non-qualifying seafarer spends travelling for the purposes of working, when the non-qualifying seafarer would otherwise be working, unless the travelling is between—

(i) the non-qualifying seafarer's home, or a place where the non-qualifying seafarer is temporarily residing other than for the purposes of working, and

(ii) a place of work or a place where an assignment is carried out.

(3) In paragraph (2)(b), hours when the non-qualifying seafarer is available only includes hours when the non-qualifying seafarer is awake for the purposes of working, even if the non-qualifying seafarer is required to sleep at or near a place of work and the employer or operator provides suitable facilities for sleeping.

(4) In paragraph (2)(c), hours treated as hours when the non-qualifying seafarer would otherwise be working include—

(a) hours when the non-qualifying seafarer is travelling for the purpose of carrying out assignments to be carried out at different places between which the non-qualifying seafarer is obliged to travel, and which are not places occupied by the employer or operator;

(b) hours when the non-qualifying seafarer is travelling where it is uncertain whether the non-qualifying seafarer would otherwise be working because the non-qualifying seafarer's hours of work vary either as to their length or in respect of the time at which they are performed.

Determining total hours of salaried hours work if a non-qualifying seafarer works excess hours

28.—(1) Paragraph (2) applies to the first pay reference period in a calculation year during which—

(a) a non-qualifying seafarer has, during the calculation year to date, worked all of their basic hours for that calculation year, and

(b) begins to work excess hours.

(2) Where this paragraph applies, the total hours of salaried hours work in the pay reference period are calculated by adding together all of the following hours—

(a) the proportion of basic hours attributable to the part of the pay reference period before the day during which the non-qualifying seafarer worked excess hours in the calculation year;

(b) the proportion of basic hours attributable to the part of the pay reference period starting on the day during which the non-qualifying seafarer worked excess hours in the calculation year;

(c) the number of hours actually worked in the pay reference period starting on the day during which the non-qualifying seafarer worked excess hours in the calculation year;

(d) the number of hours treated as worked, in accordance with regulation 27, in the pay reference period starting on the day during which the non-qualifying seafarer worked excess hours in the calculation year.

(3) In paragraph (2)(a) and (b), each proportion of basic hours in the pay reference period is calculated using the formula—

(D/365) x H

where—

"D" means the number of days in the part of the pay reference period referred to in paragraph (2)(a) or (b);

"H" means the basic hours in the calculation year.

(4) Reductions from the basic hours in the calculation year for absences, in accordance with regulation 25 (absences from work), must only be made from the proportion of basic hours determined under paragraph (2)(a).

(5) For each pay reference period in the calculation year after the pay reference period referred to in paragraph (1), the total hours of salaried hours work are calculated by adding together all of the following hours—

(a) the number of hours of salaried hours work in the pay reference period determined in accordance with regulation 24(2) to (6) (determining hours of salaried hours work);

(b) the number of hours actually worked in the pay reference period;

(c) the number of hours treated as worked in the pay reference period in accordance with regulation 27.

(6) Regulation 25 (absences from work) does not apply to the calculation in paragraph (5)(a).

Total hours of salaried hours work if the employment terminates or contract is varied

29.—(1) Where the employment terminates before the end of a calculation year the total hours of salaried hours work in the final pay reference period are calculated in accordance with the following paragraphs.

(2) Where the non-qualifying seafarer does not work excess hours in the calculation year, the total hours of salaried hours work in the final pay reference period are the sum of the following—

(a) the number of hours of salaried hours work in the pay reference period calculated in accordance with regulation 24(2) to (6) (determining hours of salaried hours work), and

(b) the number of hours (if any) by which A exceeds B where—

"A" is the number of hours determined in accordance with regulation 26, and

"B" is total of the number of hours of salaried hours work determined in accordance with regulation 24(2) to (6) in respect of all pay reference periods (including the final pay reference period) since the beginning of the calculation year.

(3) Where the non-qualifying seafarer works excess hours in the calculation year, the total hours of salaried hours work in the final pay reference period are the sum of the following—

(a) the number of hours determined in accordance with regulation 28, and

(b) the number of hours of salaried hours work calculated in accordance with regulation 24(2) to (6) for the period beginning on the day following the last day of the final pay reference period and ending at the end of the calculation year as if—

(i) it was a single pay reference period (containing that number of days), and

(ii) the non-qualifying seafarer had remained employed until the end of the calculation year without any absences.

(4) If a contract for salaried hours work is varied with the effect that it is no longer a contract for salaried hours work, this regulation is to apply as if the employment of the non-qualifying seafarer had been terminated and the last day of the non-qualifying seafarer's final pay reference period had fallen on the day before the day on which the variation took effect.

Section 3

Time work

Meaning of time work

30. Time work is work, other than salaried hours work, in respect of which a non-qualifying seafarer is entitled under their contract to be paid by reference to the time worked by the non-qualifying seafarer.

Determining total hours of time work in a pay reference period

31. The total hours of time work in a pay reference period are the total number of hours of time work worked by the non-qualifying seafarer or treated under regulations 32 to 35 as hours of time work in that period.

Time work where seafarer is available at or near a place of work

32.—(1) Time work includes hours when a non-qualifying seafarer is available, and required to be available, at or near a place of work for the purposes of working unless the non-qualifying seafarer is at home.

(2) In paragraph (1), hours when a non-qualifying seafarer is "available" only includes hours when the non-qualifying seafarer is awake for the purposes of working, even if a non-qualifying seafarer by arrangement sleeps at or near a place of work and the employer or operator provides suitable facilities for sleeping.

Training treated as hours of time work

33. The hours a non-qualifying seafarer spends training, when the non-qualifying seafarer would otherwise be doing time work, are treated as hours of time work.

Travelling treated as hours of time work

34.—(1) The hours when a non-qualifying seafarer is travelling for the purposes of time work, where the non-qualifying seafarer would otherwise be working, are treated as hours of time work unless the travelling is between—

(a) the non-qualifying seafarer's home, or a place where the non-qualifying seafarer is temporarily residing other than for the purposes of working, and

(b) a place of work or a place where an assignment is carried out.

(2) In paragraph (1), hours treated as hours when the non-qualifying seafarer would "otherwise be working" include—

(a) hours when the non-qualifying seafarer is travelling for the purpose of carrying out assignments to be carried out at different places between which the non-qualifying seafarer is obliged to travel, and which are not places occupied by the employer or operator;

(b) hours when the non-qualifying seafarer is travelling where it is uncertain whether the non-qualifying seafarer would otherwise be working because the non-qualifying seafarer's hours of work vary either as to their length or in respect of the time at which they are performed.

Hours not treated as time work

35.—(1) The hours a non-qualifying seafarer is absent from work are not treated as hours of time work, except as specified in regulations 32 to 34.

(2) The hours a non-qualifying seafarer spends taking part in industrial action are not hours of time work.

(3) The hours a non-qualifying seafarer spends taking a rest break are not hours of time work.

(4) A non-qualifying seafarer is not to be treated as taking a rest break during hours which, in accordance with regulation 34 (travelling treated as hours of time work), are treated as hours of time work.

Section 4

Unmeasured work

Meaning of unmeasured work

36. Unmeasured work is any other work that is not time work or salaried hours work.

Determining total hours of unmeasured work in a pay reference period

37. The total hours of unmeasured work in a pay reference period are the total number of hours of unmeasured work worked or treated under regulations 38 to 41 as hours of unmeasured work in that period.

Unmeasured work where non-qualifying seafarer is available at or near a place of work

38.—(1) Unmeasured work includes hours when a non-qualifying seafarer is available, and required to be available, at or near a place of work for the purposes of working unless the non-qualifying seafarer is at home.

(2) In paragraph (1), hours when a non-qualifying seafarer is "available" only includes hours when the non-qualifying seafarer is awake for the purposes of working, even if a non-qualifying seafarer by arrangement sleeps at or near a place of work and the employer or operator provides suitable facilities for sleeping.

Training treated as hours of unmeasured work

39. The hours when a non-qualifying seafarer is training, where the non-qualifying seafarer would otherwise be doing unmeasured work, are to be treated as hours of unmeasured work.

Travelling treated as hours of unmeasured work

40.—(1) The hours when a non-qualifying seafarer is travelling for the purposes of unmeasured work, where the non-qualifying seafarer would otherwise be working, are to be treated as hours of unmeasured work unless the travelling is between—

(a) the non-qualifying seafarer's home, or a place where the non-qualifying seafarer is temporarily residing other than for the purposes of working, and

(b) a place of work or a place where an assignment is carried out.

(2) In paragraph (1), hours treated as hours when the non-qualifying seafarer would "otherwise be working" include—

(a) hours when the non-qualifying seafarer is travelling for the purpose of carrying out assignments to be carried out at different places between which the non-qualifying seafarer is obliged to travel, and which are not places occupied by the employer or operator;

(b) hours when the non-qualifying seafarer is travelling where it is uncertain whether the non-qualifying seafarer would otherwise be working because the non-qualifying seafarer's hours of work vary either as to their length or in respect of the time at which they are performed.

Hours not treated as unmeasured work

41.—(1) The hours a non-qualifying seafarer is absent from work are not treated as hours of unmeasured work, except as specified in regulations 38 to 40.

(2) The hours a non-qualifying seafarer spends taking part in industrial action are not hours of unmeasured work.

(3) The hours a non-qualifying seafarer spends taking a rest break are not hours of unmeasured work.

(4) A non-qualifying seafarer is not to be treated as taking a rest break during hours which, in accordance with regulation 40 (travelling treated as hours of unmeasured work), are treated as hours of unmeasured work.

Part 3

Working conditions

Maximum period on board ship for seafarers

42.—(1) The maximum period that a seafarer may spend on board ships providing a relevant cross channel service is—

(a) 14 consecutive days if the seafarer is working during that period, or

(b) subject to paragraph (2), 21 consecutive days if the seafarer is undertaking training as well as or instead of working during that period.

(2) Where, pursuant to paragraph (1)(b), a seafarer spends more than 14 consecutive days on board ships providing a relevant cross channel service, no more than 14 of those days may be spent working.

(3) For the purposes of this regulation—

(a) a seafarer works on a day if the seafarer spends any part of that day working;

(b) any period of less than a day when the seafarer is not on board a ship referred to in this regulation is to be disregarded.

(4) For the purposes of this Part, "training" means undertaking tasks, for the purpose of training, under the supervision of another seafarer.

Longer periods permitted in certain circumstances

43. The maximum periods referred to in regulation 42 may be exceeded to the extent that this is necessitated by circumstances—

(a) which are beyond the control of the operator of the relevant cross channel service, and

(b) the consequences of which could not reasonably have been avoided by the operator.

Rest period requirements for seafarers

44.—(1) Immediately following a period spent working, or undertaking training, or a combination of both, on board ships providing a relevant cross channel service, a seafarer must be provided with a rest period.

(2) The duration of the rest period must be a number of days which is not less than the number of days that the seafarer spent on board the ships referred to in paragraph (1) immediately prior to the start of the rest period.

(3) In determining the number of days that the seafarer spent on board the ships referred to in paragraph (1), any period of less than a day when the seafarer was not on board such a ship is to be disregarded.

(4) During a rest period, the seafarer must not be required by their employer or by the operator of the relevant cross channel service referred to in paragraph (1) to be—

(a) working or available for work;

(b) on board a ship.

Part 4

Declarations, surcharges and refusal of access

Declarations

45.—(1) A harbour authority which is required to request—

(a) a remuneration declaration(**21**);

(b) a safe working declaration(**22**),

must do so within the period of 28 days beginning with the day specified in paragraph (2).

(2) For the purposes of paragraph (1), the day specified is whichever is the later of—

(a) the day on which the harbour authority has reasonable grounds to believe that ships providing a relevant cross channel service will enter, or have entered, its harbour on at least 120 occasions during a relevant year;

(b) the first day of the relevant year to which the request relates.

(3) A request for a remuneration declaration or a safe working declaration must include the date on which it is sent.

(4) An operator providing a declaration in response to a request by a harbour authority must provide that declaration—

(a) within the period of three months beginning with the date of the request from the harbour authority, and

(b) in the form specified in—

(i) Part 1 of Schedule 1 in the case of a remuneration declaration;

(ii) Part 2 of Schedule 1 in the case of a safe working declaration.

(**21**) "Remuneration declaration" is defined section 19 of the Seafarers (Wages and Working Conditions) Act 2023 (c. 8) by reference to section 4C(1) of that Act; section 4C was inserted by the Employment Rights Act 2025 (c. 36) ("the 2025 Act"), Schedule 5, paragraph 9 and section 19 was amended by the 2025 Act, Schedule 5, paragraph 23.

(**22**) "Safe working declaration" is defined in section 19 of the Seafarers (Wages and Working Conditions) Act 2023 (c. 8) by reference to section 4G(1) of that Act; section 4C was inserted by the Employment Rights Act 2025 (c. 36) ("the 2025 Act"), Schedule 5, paragraph 10 and section 19 was amended by the 2025 Act, Schedule 5, paragraph 23.

Notification of the imposition of a surcharge

46.—(1) A harbour authority which imposes a surcharge(**23**) must send a surcharge notification to the operator of the service within the period of 14 days beginning with the day on which the duty to impose the surcharge arises.

(2) A surcharge notification must be in writing and may be given—

(a) by delivering or sending it to or leaving it at—

(i) the operator's registered office,

(ii) the operator's principal place of business, or

(iii) another address specified by the operator as their address for service, or

(b) where paragraph (3) applies, by sending the surcharge notification to the operator using email.

(3) This paragraph applies where an operator has notified the harbour authority of an email address at which the operator will accept notifications under these Regulations or under the 2024 Regulations.

(4) Where a surcharge notification is to be given to an operator whose address cannot be ascertained after reasonable inquiry it may be given by handing it to the master of a ship operating the service.

(5) A surcharge notification must include—

(a) the amount of each surcharge to which the notification relates,

(b) the date on which the duty to impose each surcharge arose,

(c) how payment may be made to the harbour authority,

(d) the payment deadline, and

(e) the date on which the surcharge notification is sent.

(6) The harbour authority must send a copy of the surcharge notification to the Secretary of State within the period of 7 days beginning with the day on which the surcharge notification is given to the operator.

(7) The copy of the surcharge notification must be sent to the Secretary of State by email, to the email address specified for that purpose on the gov.uk website.

(8) In this regulation, "payment deadline" means the last day within the period specified in regulation 48 (period for payment of surcharges).

Tariff of surcharges

47.—(1) A harbour authority which imposes a surcharge in relation to a remuneration declaration which has been requested or provided must impose the surcharge according to the tariff prescribed in paragraph 1 of Schedule 2.

(2) A harbour authority which imposes a surcharge in relation to a safe working declaration which has been requested or provided must impose the surcharge according to the tariff prescribed in paragraph 2 of Schedule 2.

(**23**) "Surcharge" is defined in section 19 of the Seafarers (Wages and Working Conditions Act 2023 (c. 8) by reference to section 9 of that Act. Sections 6 to 8 set out the circumstances in which a harbour authority must impose a surcharge. Sections 6 to 8 were amended by the Employment Rights Act 2025 ("the 2025 Act"), Schedule 5, paragraphs 13 to 15 and section 19 was amended by the 2025 Act, Schedule 5, paragraph 23.

Period for payment of surcharges

48. An operator must pay each surcharge to which the surcharge notification relates within the period of 60 days beginning with the day after the day on which the surcharge notification was given.

Publication of surcharges

49.—(1) The Secretary of State must publish on the gov.uk website the information in paragraph (2).

(2) For each surcharge which is notified to the Secretary of State the information referred to in paragraph (1) is—

(a) the amount of the surcharge,

(b) the date on which the duty to impose the surcharge arose,

(c) the harbour authority which imposed the surcharge, and

(d) the operator of the service on which it was imposed.

(3) The information must be published within a reasonable time after it is notified to the Secretary of State.

Time limit for objections to surcharges

50.—(1) Paragraph (2) applies to an objection by an operator who is an interested party(**24**) and on whom a surcharge has been imposed.

(2) An objection under this paragraph must be received by the Secretary of State within the period of 28 days beginning with the day on which the operator receives the surcharge notification.

(3) Paragraph (4) applies to an objection to a surcharge by an interested party other than the operator on whom the surcharge has been imposed.

(4) An objection under this paragraph must be received by the Secretary of State within the period of 28 days beginning with the day on which information about the surcharge is published by the Secretary of State pursuant to regulation 49 (publication of surcharges).

(5) The Secretary of State may extend the time limits in this regulation if satisfied that there are good reasons for doing so.

Notification of non-payment of surcharge to the Secretary of State

51.—(1) Paragraph (2) applies where—

(a) a surcharge has been imposed by a harbour authority,

(b) a surcharge notification relating to the surcharge has been sent to the operator of the service, and

(c) the surcharge has not been paid in the manner required by the surcharge notification pursuant to regulation 46(5)(c) (notification of the imposition of a surcharge).

(2) The harbour authority must send a notification containing the information in paragraph (4) to the Secretary of State within the period of 5 days beginning with the day 50 days after the day on which the surcharge notification was given.

(3) A notification under this regulation must be sent by email, to the email address specified for that purpose on the gov.uk website.

(4) A notification must include—

(**24**) See section 10(5) of the Seafarers (Wages and Working Conditions Act 2023 (c. 8) for the definition of "interested party".

(a) the name of the operator to whom the surcharge notification has been given;

(b) the date and time from which ships providing the service to which the surcharge relates are to be refused access to the harbour until the surcharge is paid.

Notification of refusal of access

52.—(1) Paragraph (2) applies where—

(a) a surcharge has been imposed by a harbour authority,

(b) a surcharge notification relating to the surcharge has been given to the operator of the service, and

(c) the surcharge has not been paid in the manner required by the surcharge notification pursuant to regulation 46(5)(c) (notification of the imposition of a surcharge).

(2) The harbour authority must send a refusal of access notification to the operator within the period of 5 days beginning with the day 45 days after the day on which the surcharge notification was given.

(3) A refusal of access notification must be in writing and may be given—

(a) by delivering or sending it to or leaving it at—

(i) the operator's registered office,

(ii) the operator's principal place of business, or

(iii) another address specified by the operator as their address for service, or

(b) where paragraph (4) applies, by sending the refusal of access notification to the operator using email.

(4) This paragraph applies where an operator has notified the harbour authority of an email address at which the operator will accept notifications under these Regulations or under the 2024 Regulations.

(5) Where a refusal of access notification is to be given to an operator whose address cannot be ascertained after reasonable inquiry it may be given by handing it to the master of a ship operating the service.

(6) A refusal of access notification must include—

(a) the date of the relevant surcharge notification,

(b) the amount of each surcharge in the relevant surcharge notification which has not been paid, and

(c) the date and time from which ships providing the service to which the surcharges relate are to be refused access to the harbour until the surcharges are paid.

(7) In this regulation, "relevant surcharge notification" means the surcharge notification referred to in paragraph (1)(b).

Part 5

Closing provisions

Application of the Seafarers (Wages and Working Conditions) Act 2023

53. Chapter 2 of Part 2 of the Seafarers (Wages and Working Conditions) Act 2023 does not apply to a relevant service to which Part 2 of these Regulations applies.

Review

54.—(1) The Secretary of State must from time to time—

(a) carry out a review of the regulatory provision contained in these Regulations, and

(b) publish a report setting out the conclusions of the review.

(2) The first report must be published before the end of the period of five years beginning with the date on which these Regulations come into force.

(3) Subsequent reports must be published at intervals not exceeding five years.

(4) In this regulation, "regulatory provision" has the meaning given by section 32 of the Small Business, Enterprise and Employment Act 2015(**25**).

Signed by authority of the Secretary of State for Transport

Keir Mather
Parliamentary Under-Secretary of State
Department for Transport

2nd November 2026

(**25**) 2015 c. 26.

S c h e d u l e s

Schedule 1 Regulation 45

Declaration forms

Part 1

Remuneration declaration form

Name of operator:

Place outside of the United Kingdom that the service calls at:

A declaration is to be made pursuant to one only of section 4C(2) OR section 4C(3) OR section 4C(4) OR section 4C(5) of the Seafarers (Wages and Working Conditions) Act 2023 ("the Act").

Section 4C(2) Declaration

Period to which this declaration applies:

__ _____ 20___ to __ _____ 20___

Please tick the statement which applies:

□ On behalf of the operator of the service, I declare that during the period to which this declaration applies, all non-qualifying seafarers, as defined in the Act, who will work on ships which will provide the service will be remunerated, in respect of their work in relation to the service, in accordance with Part 2 of the Seafarers (Wages and Working Conditions) Regulations 2026.

□ On behalf of the operator of the service, I declare that during the period to which this declaration applies, there will be no non-qualifying seafarers, as defined in the Act, working on ships providing the service.

Section 4C(3) Declaration

Period to which this declaration applies:

__ _____ 20___ to __ _____ 20___

Please tick the statement which applies:

□ On behalf of the operator of the service, I declare that during the period to which this declaration applies, all non-qualifying seafarers, as defined in the Act, working on ships providing the service will be remunerated, in respect of their work in relation to the service, in accordance with Part 2 of the Seafarers (Wages and Working Conditions) Regulations 2026.

□ On behalf of the operator of the service, I declare that during the period to which this declaration applies, there will be no non-qualifying seafarers, as defined in the Act, working on ships providing the service.

Section 4C(4) Declaration

Period to which this part of this declaration applies:

__ _____ 20___ to __ _____ 20___

Please tick the statement which applies:

□ On behalf of the operator of the service, I declare that during the period to which this part of this declaration applies, all non-qualifying seafarers, as defined in the Act, who worked on ships which provided the service were remunerated, in respect of their work in relation to the service, in accordance with Part 2 of the Seafarers (Wages and Working Conditions) Regulations 2026.

□ On behalf of the operator of the service, I declare that during the period to which this part of this declaration applies, there were no non-qualifying seafarers, as defined in the Act, working on ships which provided the service.

and

Period to which this part of this declaration applies:

__ _____ 20___ to __ _____ 20___

Please tick the statement which applies:

□ On behalf of the operator of the service, I declare that during the period to which this declaration applies, all non-qualifying seafarers, as defined in the Act, working on ships providing the service will be remunerated, in respect of their work in relation to the service, in accordance with Part 2 of the Seafarers (Wages and Working Conditions) Regulations 2026.

□ On behalf of the operator of the service, I declare that during the period to which this declaration applies, there will be no non-qualifying seafarers, as defined in the Act, working on ships providing the service.

Section 4C(5) Declaration

Period to which this declaration applies:

__ _____ 20___ to __ _____ 20___

Please tick the statement which applies:

□ On behalf of the operator of the service, I declare that during the period to which this declaration applies, all non-qualifying seafarers, as defined in the Act, who worked on ships which provided the service were remunerated, in respect of their work in relation to the service, in accordance with Part 2 of the Seafarers (Wages and Working Conditions) Regulations 2026.

□ On behalf of the operator of the service, I declare that during the period to which this declaration applies, there were no non-qualifying seafarers, as defined in the Act, working on ships which provided the service.

Note that, pursuant to section 5 of the Act, it may be a criminal offence to operate the service inconsistently with this declaration. It may also be a criminal offence to provide a false or misleading declaration in so far as it concerns the operation of the service before the declaration was provided.

Name of person making this declaration on behalf of the operator, and capacity in which they are making this declaration:

Signature:

Date:

Part 2

Safe working declaration form

Name of operator:

Place outside of the United Kingdom that the service calls at:

A declaration is to be made pursuant to one only of section 4G(2) OR section 4G(3) OR section 4G(4) OR section 4G(5) of the Seafarers (Wages and Working Conditions) Act 2023 ("the Act").

Section 4G(2) Declaration

Period to which this declaration applies:

__ _____ 20___ to __ _____ 20___

Please tick to provide confirmation:

□ On behalf of the operator of the service, I declare that during the period to which this declaration applies, the service will be operated in compliance with Part 3 of the Seafarers (Wages and Working Conditions) Regulations 2026.

Section 4G(3) Declaration

Period to which this declaration applies:

__ _____ 20___ to 20__

Please tick to provide confirmation:

□ On behalf of the operator of the service, I declare that during the period to which this declaration applies, the service will be operated in compliance with Part 3 of the Seafarers (Wages and Working Conditions) Regulations 2026.

Section 4G(4) Declaration

Period to which this part of this declaration applies:

__ _____ 20___ to __ _____ 20___

Please tick to provide confirmation:

□ On behalf of the operator of the service, I declare that during the period to which this declaration applies, the service was operated in compliance with Part 3 of the Seafarers (Wages and Working Conditions) Regulations 2026.

and

Period to which this part of this declaration applies:

__ _____ 20___ to __ _____ 20___

Please tick to provide confirmation:

□ On behalf of the operator of the service I declare that during the period to which this declaration applies, the service will be operated in compliance with Part 3 of the Seafarers (Wages and Working Conditions) Regulations 2026.

Section 4G(5) Declaration

Period to which this declaration applies:

__ _____ 20___ to __ _____ 20___

Please tick to provide confirmation:

□ On behalf of the operator of the service, I declare that during the period to which this declaration applies, the service was operated in compliance with Part 3 of the Seafarers (Wages and Working Conditions) Regulations 2026.

Note that, pursuant to section 5 of the Act, it may be a criminal offence to operate the service inconsistently with this declaration. It may also be a criminal offence to provide a false or misleading declaration in so far as it concerns the operation of the service before the declaration was provided.

Name of person making this declaration on behalf of the operator, and capacity in which they are making this declaration:

Signature:

Date:

Schedule 2 Regulation 47

Tariff of surcharges

1. For a surcharge falling within this paragraph, the rate of surcharge to be imposed per entry to the harbour by a ship providing the service to which the surcharge relates is to be calculated according to the tonnage of the ship as follows—

(a) in respect of a ship of Class A—

(i) 9p per tonne up to a maximum of 50,000 tonnes, plus

(ii) 1p per tonne in excess of 50,000 tonnes, and

(b) in respect of a ship of Class B—

(i) 18p per tonne up to a maximum of 50,000 tonnes, plus

(ii) 2p per tonne in excess of 50,000 tonnes.

2. For a surcharge falling within this paragraph, the rate of surcharge to be imposed per entry to the harbour by a ship providing the service to which the surcharge relates is to be calculated according to the tonnage of the ship as follows—

(a) in respect of a ship of Class A—

(i) 20p per tonne up to a maximum of 50,000 tonnes, plus

(ii) 1p per tonne in excess of 50,000 tonnes, and

(b) in respect of a ship of Class B—

(i) 40p per tonne up to a maximum of 50,000 tonnes, plus

(ii) 2p per tonne in excess of 50,000 tonnes.

3. For purposes of this Schedule—

(a) a ship's tonnage shall be its gross tonnage assessed in accordance with the International Convention on Tonnage Measurement of Ships 1969(**26**) and entered on its International Tonnage Certificate (1969) or, if this certificate is not available for any reason, the ship's gross registered tonnage or, in the case of an unregistered ship or a ship measured only by length, the tonnage reckoned in accordance with the Thames Measurement adopted by Lloyds Register;

(b) a ship of Class A is a ship certified to carry 12 or fewer passengers;

(c) a ship of Class B is a ship certified to carry more than 12 passengers.

(**26**) Cmnd. 4332. The Convention may be obtained in copy from the International Maritime Organization, 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth & Development Office treaties database (https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=68110).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under the Seafarers (Wages and Working Conditions) Act 2023 (c. 8) ("the Act").

The Act provides powers to make regulations about the remuneration and working conditions of seafarers working on certain services. It requires harbour authorities to ask the operator of a service to which regulations apply, and which enters a UK harbour 120 times or more in a relevant year (as defined in regulations), for a declaration confirming their compliance with the regulations. The Act also requires that harbour authorities must impose surcharges when operators fail to provide a declaration or where they operate a service inconsistently with a declaration. Subject to limited exceptions, the Act requires harbour authorities to refuse ships providing a service access to their harbour if they impose a surcharge and it is not paid.

Part 1 of these Regulations contains introductory provisions. These include definitions of terms used in the Regulations (regulation 2) and details of which services the Regulations apply to (regulation 5).

Part 2 of the Regulations sets out the remuneration entitlement of seafarers to whom the Regulations apply.

Chapter 1 of Part 2 sets out the basic remuneration entitlement of seafarers. Regulation 6 specifies the entitlement of non-qualifying seafarers to be paid a rate equivalent to the UK national minimum wage ("NMW"). A non-qualifying seafarer is a seafarer who does not qualify for the UK NMW by virtue of the fact that they do not work, or ordinarily work, in the UK. Regulations 7 to 9 specify the NMW equivalent ("NMWe") rates applicable to non-qualifying seafarers. Regulation 10 specifies what a pay reference period is for the purposes of determining whether a non-qualifying seafarer has been paid the NMWe and regulation 11 specifies the calculation that is to be done for this purpose.

Chapter 2 of Part 2 sets out how a non-qualifying seafarer's remuneration is to be determined for the purpose of the calculation in regulation 11. Regulation 12 sets out the basic calculation. Regulations 13 and 14 specify which payments to a non-qualifying seafarer are counted as part of their remuneration for this purpose. Regulations 15 to 17 specify what deductions from the non-qualifying seafarer's pay, or payments from them to their employer or the operator, are deemed to reduce their remuneration for the purposes of the calculation in regulation 12.

Chapter 3 of Part 2 sets out how a non-qualifying seafarer's hours of work are to be determined for the purpose of the calculation in regulation 11.

Section 1 of Chapter 3 of Part 2 contains introductory provisions. Regulation 18 provides that the way in which a non-qualifying seafarer's hours of work are to be determined varies depending on whether the non-qualifying seafarer is doing salaried hours work, time work or unmeasured work. Regulation 19 makes provision about what counts as training for the purposes of determining the non-qualifying seafarer's hours of work and regulation 20 makes similar provision in relation to travelling.

Section 2 sets out how a non-qualifying seafarer's hours of work are to be determined where they are doing salaried hours work. Salaried hours work is defined in regulation 21. Section 3 sets out how a non-qualifying seafarer's hours of work are to be determined where they are doing time work. Time work is defined in regulation 30. Section 4 sets out how a non-qualifying seafarer's hours of work are to be determined where they are doing unmeasured work. Unmeasured work is defined in regulation 36.

Part 3 of the Regulations specifies the maximum periods that a seafarer may be on board a ship (see regulation 42) and the minimum rest period to which they are entitled (see regulation 44). Regulation 43 provides that the maximum period on board may be exceeded in certain circumstances.

Part 4 of the Regulations sets out procedural requirements in relation to enforcement of the obligations in Parts 2 and 3.

Regulation 45 sets out the periods within which harbour authorities must request, and operators provide, declarations, and specifies other procedural requirements for declarations. This includes requiring that declarations are provided in the form specified in Schedule 1. Regulation 46 makes provision as to the period within which harbour authorities must notify operators about surcharges which have been imposed and the manner and form of that notification. It requires harbour authorities to provide copies of notifications of surcharges to the Secretary of State and regulation 49 requires the Secretary of State to publish information on surcharges which have been imposed. Regulation 47 provides that surcharges must be imposed according to the tariff prescribed in Schedule 2. Regulation 48 provides for the period within which surcharges must be paid and regulation 50 sets out the time limits for making objections to surcharges to the Secretary of State. Where a surcharge is not paid harbour authorities must inform the Secretary of State (regulation 51) and regulation 52 makes provision for the communication of refusal of access.

Part 5 of the Regulations contains closing provisions. Regulation 53 provides that Chapter 2 of Part 2 of the Act does not apply to a service which Part 2 of these Regulations apply. This prevents there being duplication between the remuneration requirements in these Regulations and the equivalent provisions in the Seafarers' Wages Regulations 2024 (S.I. 2024/1015). Regulation 54 makes provision for the Secretary of State to review the Regulations.

No, or no significant, impact on the private, voluntary or public sector is foreseen in consequence of Part 2 of this instrument (in conjunction with the related ancillary parts of the instrument) so a de minimis assessment has been prepared in respect of that Part. A full impact assessment of the effect that Part 3 of this instrument (in conjunction with the related ancillary parts of the instrument) will have on the costs of business, the voluntary sector and the public sector has been prepared. The de minimis assessment and the impact assessment are available alongside the Explanatory Memorandum at www.legislation.gov.uk.