

Summary of responses

Between 6 August 2025 and 30 September 2025, the Marine Accident Investigation Branch (MAIB) ran a public consultation on revoking and replacing the UK Merchant Shipping (Accident Reporting and Investigation) Regulations 2012 to provide greater clarity and consistency for both the maritime industry and relevant authorities.

The consultation received 19 responses from industry bodies, individuals and trade unions.

Type of respondent	Number of responses
Individual	2
Industry body	10
Union	2
Emergency Service	3
HM Coroner/Procurator Fiscal	1
Law Society	1

Responses were received from a range of stakeholders, representing a variety of interests from individual seafarers to large organisations operating with more than 250 staff. Organisations that responded included those that would experience a direct impact on their operations from the revisions to the Regulations.

We asked the following:

- 1. Since the UK has left the EU, do you agree that the UK should align its definitions and the categorisation of marine casualties and marine incidents with the IMO Code?**

The majority of respondents agreed with this question and there were no respondents who directly disagreed. 14 either strongly agreed or agreed and 2 respondents neither agreed nor disagreed.

Most respondents agreed that the UK should align its definitions and categorisation of marine casualties and incidents with the IMO Casualty Investigation Code. A small number of respondents raised concerns about the practical application of definitions in specific sectors, including small-scale fishing operations. One respondent highlighted the treatment of incidents involving suicide.

Government response

The government has considered the responses and will proceed with alignment to the IMO Casualty Investigation Code. This ensures consistency with international standards and supports effective cooperation with other states. Investigations into suicide or intentional harm remain outside the statutory remit of the MAIB and are addressed by other authorities. The Regulations do not alter this position.

2. Do you agree that the UK should simplify its reporting requirements for injuries by adopting a revised version of the IMO Code's definition of Serious Injury?

The majority of respondents agreed with this question; however, there were 2 respondents who disagreed. 11 respondents either strongly agreed or agreed, 3 neither agreed nor disagreed and 2 strongly disagreed.

Of the 2 who disagreed, one respondent specifically referred to the exclusion of suicide or injuries due to attempted suicide being excluded from the definition of a marine casualty.

Government response

The government has considered the responses and will adopt the revised definition. This supports consistency and clarity in reporting requirements. The position regarding incidents involving suicide or intentional harm remains unchanged.

3. Do you agree that the accident involving commercial craft less than 8m in length operating in harbour areas or inland waterways should be reported?

The majority of respondents agreed with this question and there were no respondents who directly disagreed. 12 respondents either strongly agreed or agreed and 4 neither agreed nor disagreed.

One who strongly agreed said that:

Yes, accidents involving such craft, could be very serious. Therefore, they should be investigated, and any safety recommendations should be published.

While another who broadly agreed said that:

...While the inclusion of smaller vessels is supported, there is concern that our Harbour Authorities may not be aware of incidents involving leisure craft. The responsibility to report must rest with the vessel operator, not the Harbour Authority.

Further information provided by a respondent who neither agreed nor disagreed raised concern on the difficulty operators of small inshore fishing vessels may face with their limited administrative resources.

Government response

The government has considered the responses and will include reporting requirements for commercial craft under 8m. Guidance will support compliance, including updating existing Marine Guidance Notes. Reporting obligations will continue to apply to those best placed to report incidents, including vessel operators and relevant authorities.

Accidents can be reported directly via the 24-hour accident reporting line where there are no immediate means to submit an accident report form (ARF). The requirement is

for marine casualties and incidents to be notified to the MAIB as soon as practicable and by the quickest means available.

4. To what extent do you agree that the MAIB should have increased discretion to focus its resources on those cases with the greatest potential for safety learning?

The majority of respondents agreed with this question; however, there was 1 who disagreed. 13 respondents either strongly agreed or agreed, 2 neither agreed nor disagreed and 1 disagreed.

One respondent who agreed raised concern that the discretion should not be used as a reason to not investigate other accidents involving small vessels not internationally trading. Another raised concerns around reassuring the fishing industry their reports are fairly considered.

Government response

The government has considered the responses. The Regulations provide the Chief Inspector of Marine Accidents with discretion to focus investigative resources on incidents with the greatest potential to improve safety. This reflects the MAIB's statutory purpose of identifying causes and preventing future accidents, rather than establishing blame or liability.

5. To what extent do you agree that the costs of disposing of uncollected evidence should be recoverable from the owner?

There were 15 responses to this question. The majority of respondents neither agreed nor disagreed. 4 respondents either strongly agreed or agreed, 9 neither agreed nor disagreed, 1 strongly disagreed, 1 did not know and 1 did not respond.

Responses were mixed on whether costs for the disposal of uncollected evidence should be recoverable from owners. Concerns were raised about the potential financial impact on operators.

Government response

The government has considered the responses and has decided not to proceed with cost recovery provisions. The Regulations do not include this measure.

6. To what extent do you agree that the modifications proposed in this regulation on disclosure of information etc., provided to the MAIB should be made?

The majority of respondents agreed with this question. 13 either strongly agreed or agreed, 2 either disagreed or strongly disagreed, and 1 neither agreed nor disagreed.

Those who disagreed had concerns the Regulations would allow the MAIB to withhold information when requested, resulting in failure to gain the trust of maritime

professionals, with particular focus on the issuing of recommendations. 1 respondent believed the proposed modifications to regulation 15 are:

...wider in scope than is necessary,

which could result in owners not being able to complete their own investigations properly.

Government response

The government has considered the responses. The provisions relating to disclosure are intended to maintain confidence that information provided to the MAIB will be handled in accordance with statutory confidentiality protections. The Regulations clarify the existing framework and do not extend the scope of disclosure.

7. What impacts, if any, would you anticipate the revised regulations governing disclosure might have?

The majority of respondents felt the impact would be positive, encouraging more people to share information with the MAIB.

Of the 13 responses to this question, the anticipated impacts included:

- an increase in cooperation from witnesses.
- improved transparency and assisting parallel investigations.
- more consistent learning across the industry.
- the risk of a two-tier investigation process.

However, 1 respondent felt the main impact on fishermen would be:

...reduced confidence in the confidentiality of information provided.

Further commenting:

Fishermen are more likely to cooperate with investigations if they are assured the investigation process is independent and transparent.

Government response

We note the perceived impact and have considered the comments. All MAIB investigations are independent and transparent. The MAIB's role is to help prevent further avoidable accidents. The branch does not apportion blame and does not establish liability, enforce laws or carry out prosecutions. Investigations are conducted solely in the interest of future safety.

The MAIB's priorities are to:

- maintain our position as one of the world's leading safety investigation organisations
- help set standards in marine accident investigation by following best practice

And, in line with the Freedom of Information Act:

- specify the classes of information we have committed to publish
- say how we will make this information available.

For clarification, information obtained during an investigation, including witness statements and recordings, is subject to statutory restrictions on disclosure and may only be released in limited circumstances, such as where ordered by a court.

8. To what extent do you agree that the protection afforded to witness testimony should be strengthened to prevent its misuse by third parties?

There were 15 responses to this question. 13 strongly agreed or agreed, 1 neither agreed nor disagreed, 1 disagreed and 1 did not respond.

Those that agreed said that:

...Strong protections will encourage openness and honest reporting.

Another, although agreeing, had concerns about witnesses sharing their own statements for the purposes of making representations to the Chief Inspector of Marine Accidents under Regulation 17(3). They felt that a witness:

...should be allowed to share such a statement with lawyers/adviser acting for the witness in any civil or criminal actions arising out of the marine accident in question.

One respondent who disagreed felt that witnesses should use their own discretion when deciding whether to share their statement.

Government response

We note the comments. The Regulations will better protect witness testimony.

- All recordings are protected under UK law.
- Witness declarations are protected from release.
- No truthful information provided to the MAIB during an interview can be used to incriminate the witness (or their spouse) in a court of law.
- All information obtained during an interview is kept in confidence and can only be released if the High Court or Court of Session orders it.
- The MAIB is required not to divulge the names of the witnesses it has interviewed.

9. To what extent do you agree that certain, generally unique, items of evidence can be shared between parallel investigations in order to avoid prejudicing either the interests of future safety or the interests of justice?

There were 16 responses. 13 strongly agreed or agreed, 1 neither agreed nor disagreed and 2 disagreed or strongly disagreed.

One respondent who agreed considered it vital that information is shared with parallel investigations therefore reducing duplication of work and the reduction of public

spending. Further comment referred to the term ‘relevant evidence’, with a particular emphasis that the term is not widened any further to include statements and declarations or transcripts of interviews.

Those that disagreed felt that this would likely reinforce the perception that the MAIB do not operate independently and that evidence shared could be used by other investigating authorities in prosecution cases. One respondent referring to the sharing of witness statements commented:

The proportionality and safeguards around such disclosures require further scrutiny.

Government response

The government has considered the responses. The Regulations maintain the independence of MAIB investigations while allowing appropriate cooperation with other authorities. Protections for sensitive material remain in place.

10. Do you agree that it is appropriate to create the new offence to improve compliance?

There were 16 responses. 7 either strongly agreed or agreed, 3 neither agreed nor disagreed, 1 disagreed and 5 strongly disagreed.

Comments showed concern around the criminalisation of seafarers with one respondent requesting the new offence be removed.

Other respondents were concerned compliance could risk criminalising administrative failures, and, with regard to small fishing businesses, they felt that:

...proportionate enforcement and support are more effective than penalties.

Another concern was raised about the potential exposure of Harbour Authorities personnel to criminal liability, requesting clarification as to whether the legislation requirement is to respond within 30 days or mandatory recommendation implementation be complete within 30 days. They also commented:

A clearer threshold for what constitutes a “blatant and purposeful breach” is essential.

One concern specifically related to the obligation in Regulation 21(4)(b), the period of 30 days in which to respond to a recommendation. 30 days does not necessarily allow for periods of leave and can be more difficult if a recommendation is addressed to more than one organisation, with the suggestion:

If there is to be a penalty, an individual or organisation needs to be able to respond to the recommendation without being reliant on another party.

Government response

We note and have considered the comments. The MAIB requirement remains to **respond** within 30 days, not to implement. An individual or organisation is only

responsible for their own response not that of any another party also included in the recommendation.

The Regulations introduce offences to support compliance with existing statutory duties. These provisions are intended to address deliberate or serious noncompliance and do not alter the underlying purpose of the investigation regime.

11. To what extent do you agree that, in the case of these regulations, the requirement for a formal 5-yearly review is not appropriate?

Of the 15 responses, 3 strongly agreed or agreed, 6 neither agreed nor disagreed and 6 disagreed or strongly disagreed.

Two respondents who disagreed provided further feedback sharing the need for a formal 5-yearly review:

It would be helpful to have a review in five years' time, to see if any amendments need to be made in the light of the changes included in the 2025 Regulations.

A formal review mechanism is valuable to assess whether regulations are achieving intended outcomes without disproportionate impacts, especially in fast-changing industries like fishing. We do not agree with the justification for the removal of the 5 year review in the consultation document. The MAIB must remain accountable and obliged to review their regulations to ensure they remain effective and do not negatively impact maritime safety.

Government response

We note the responses. While the formal requirement for a 5-year review is removed, the Regulations will be kept under review as a matter of policy to ensure they remain effective and proportionate.

12. To what extent are small and micro businesses likely to be disproportionately impacted by this legislation?

There were 15 responses. 7 found it likely, 3 found it neither likely nor unlikely, 2 unlikely and 3 did not know.

One respondent felt small fishing businesses are likely to be impacted by increased reporting obligations and potential penalties and suggested support must be built into the Regulations.

Government response

We note the responses and the MAIB will continue to support small and micro businesses and evaluate the impact of this legislation on them.

The MAIB will continue to support small and micro businesses through guidance, engagement, and proportionate implementation of the Regulations.

13. Do you think that the updated regulations will have a positive, negative, or neutral impact on industry?

There were 16 responses. 6 think the updated Regulations would have a positive impact, 6 were neutral, 1 negative and 3 don't know.

Please explain your answer.

Respondents who felt the updated Regulations would have a positive impact commented on:

- the inclusion of watercraft and small workboats into scope being a good thing
- positive changes in line with the IMO Code would provide a modern and current framework for the next 5 years
- wider transparency between investigative and governing bodies
- the UK's international obligations following the withdrawal from the European Union.

One respondent who answered neutral did have concerns about the impact on the fishing industry and felt that:

...without proportionate safeguards the fishing industry could face additional costs, administrative burdens, and fear of penalties, offsetting intended safety benefits.

The respondent who felt the updated Regulations would have a negative impact had concerns about:

...the increased legal exposure, operational uncertainty and administrative complexity.

A respondent who answered don't know commented:

While the draft regulations have many positive elements (streamlining, alignment with IMO, clearer reporting), the unresolved ambiguity around what will be criminal offences could introduce legal uncertainty, discourage openness, and impose unfair burdens especially on smaller operators. A strong safety culture requires clarity, fairness, and trust.

Government response

The Regulations are intended to provide a clearer and more consistent framework for marine accident investigation, aligned with international obligations. Guidance and engagement will support implementation.

14. What impacts, if any, would you anticipate the revised regulations having?

There were 13 responses. The key points were:

- an expectation that organisations would submit more incident/accident reports
- an increase in administration, costs or other burdens
- improved protection for witness testimony

- better alignment with international obligations
- concerns around criminal penalties associated with non-reporting of marine accidents and the terminology ‘marine casualties’ and ‘marine incidents’ causing confusion among seafarers.

Government response

These comments support the MAIB’s expectation that the revised Regulations will have a positive impact. We will support organisations by providing clarity to mitigate concerns around non-reporting and increased costs. Although increased costs were articulated the respondent did not provide a rationale or evidence of additional costs directly associated with the Regulations.

The Regulations are expected to support improved reporting and safety outcomes. Guidance will be provided to support compliance and address concerns.

15. Please detail any additional comments on the costs, benefits or impacts of this policy.

There were 5 additional comments. The key points were:

- the possibility of an increase in reporting accidents/incidents
- an increase in costs
- a request for additional guidance and training with particular focus on the fishing industry to minimise impact
- the need for clarification of criminal liability
- the need for a distinction between reporting obligations and recommendations, with an emphasis on recommendations remaining advisory
- the consideration of the impact on small operators.

Government response

The MAIB will support industry by providing clarity and guidance to mitigate concerns.

The Merchant Shipping (Accident Reporting and Investigation) Regulations 2026 revoke and replace the 2012 Regulations. The changes will strengthen and expand disclosure provisions in line with the IMO Code. They enable limited publication of anonymised statistical data, aiding transparency.

The changes ensure UK law is aligned with the IMO obligations, strengthen the independence of the MAIB and make existing safety duties enforceable in practice.

16. Do you have any additional comments to add to the response?

Additional comments included:

- The support of the proposed Regulations.
- That recognition of the nature of the fishing industry must be considered throughout the implementation of the Regulations.

- The impact on seafarer recruitment and retention with the introduction of criminal liability.
- That there is insufficient clarity provided on the circumstances in which criminal liability could arise under the proposed Regulation 21(4).
- A comment about Regulation 16 and a perceived conflict around marine safety record and relevant information.

Government response

The government has considered the responses. The MAIB will provide guidance and continue engagement with stakeholders to support understanding and implementation of the Regulations.

17. Further comments/information not in the response form

One respondent made further comments that included their concerns about the criminal liability around recommendations, the removal of investigation time limits impacting evidence retention, restrictions on witness statement sharing, and expanded disclosure powers.

Government response

The UK has obligations under the IMO Code, and as a signatory state, we have accepted as recommended practice an obligation to protect ‘marine safety records’ as defined by paragraph 2.15 of the IMO Code and protected by Chapter 3 of the same. This has been consistent in previous Regulations, where the public interest court test is already in law as current practice.

Regulation 16 clearly defines ‘relevant information’ as physical evidence that does not fall under the definition of a ‘marine safety record’ at paragraph 2.15 of the IMO Code.

The consultation responses demonstrated broad support for the overall direction of the proposed Regulations, particularly in relation to alignment with international standards and improved clarity. The government has considered all responses and, where appropriate, has refined the approach to ensure the Regulations remain proportionate, effective, and focused on improving safety at sea.