

January 2025

Smooth sailing or stuck in the doldrums for owners and operators? Navigating the UK's new remote and autonomous ship regulations

In December 2023, Stephenson Harwood highlighted the introduction of the Workboat Code Edition 3 ("**Edition 3**"), a pivotal regulatory milestone by the Maritime and Coastguard Agency ("**MCA**") that, for the first time, addressed remotely operated unmanned vessels¹. In just 13 months, the MCA has built on this foundation, issuing two new General Exemptions aimed at further modernising the regulatory landscape for maritime autonomous surface vessels ("**MASS**") in the UK.

For the purposes of this article, the term 'MASS' is defined broadly, encompassing ships, vessels, or craft that are either remotely operated or fully autonomous, with or without crew onboard.

The release of MGN 702 in August 2024 and MGN 705 in December 2024, alongside the foundational MGN 664 and Edition 3, solidifies the UK's reputation as a global leader in fostering maritime innovation for MASS. These new General Exemptions underscore the MCA's commitment to enabling proportionate and practical pathways for owners and operators to deploy MASS of varying sizes and capabilities in UK waters whilst striving to enforce stringent safety standards.

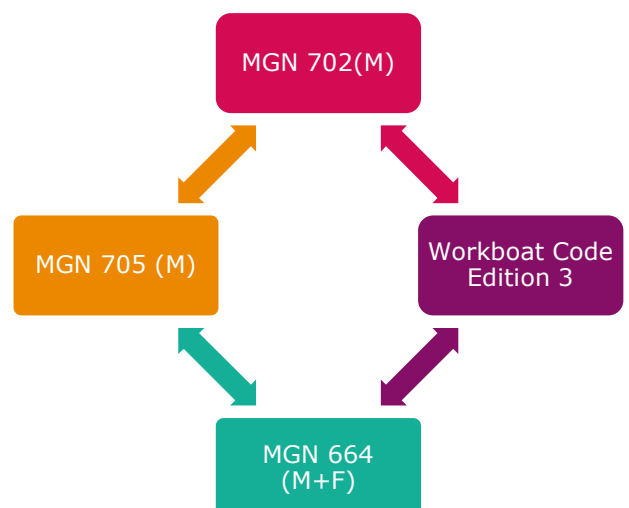
However, not all stakeholders are convinced. Some vessel owners and operators argue that the new exemptions, though progressive in their intent, fail to fully address practical challenges. Issues such as vessel requirements, speed assessments, and length classifications are areas where compliance often proves problematic, with regulations either

misaligned with operational realities or not going far enough.

These criticisms highlight the MCA's ongoing challenge: adapting traditional maritime regulations to the distinctive needs of autonomous and remotely operated vessels. Despite these hurdles, the framework reflects meaningful progress and a strong commitment to enabling MASS operations.

In this article, we explore the latest General Exemptions in the UK's regulatory framework, examining their implications for adoption, investment, and the future growth of the MASS industry.

Which MASS regulation could apply?



¹ That article can be found [here](#).

1) MGN 702 (M) Maritime Autonomous Surface Ships (MASS) of Less than 2.5 Metres in Length Overall

MGN 702 introduces a General Exemption for maritime autonomous surface ships under 2.5 metres in length, commonly referred to as mini-MASS. Effective 5 August 2024, this exemption permits eligible vessels to operate without certification issued by the Maritime and Coastguard Agency (MCA) or its delegates. Instead, owners and operators are granted the ability to self-declare to the MCA that they comply with the applicable regulations.

This approach marks a significant development, as it ultimately shifts the responsibility onto owners/operators to ensure their vessel complies with the applicable regulations. Unlike other avenues such as MGN 664 or the Workboat Code Edition 3, the MCA does not evaluate or validate self-declaration notifications under MGN 702 before acknowledging them.

Key Conditions for the MGN 702 General Exemption

For the General Exemption to apply, the following conditions must be met:

- The vessel complies with all conditions outlined in the exemption.
- The operator implements appropriate measures to enhance the vessel's visibility and detectability to other water users.
- Where practical, the vessel should be equipped with an effective radar reflector or radar target enhancer.
- The vessel complies with international standards (see MGN 349, as amended).

The exemption anticipates that MASS under 2.5 metres will not carry ballast water or EPIRBs. If the MASS does, however, the owner/operator must also comply with:

- The Merchant Shipping (Control and Management of Ships' Ballast Water and Sediments) Regulations 2022; and
- The Merchant Shipping (EPIRB Registration) Regulations 2000.

Self-Declaration Requirements

When self-declaring with the MCA Code Vessel Team, owners/operators must provide the following information:

1. Name and address of the vessel owner.
2. Name and address of the vessel operator (if different).
3. Vessel name.
4. Vessel length overall.
5. Vessel's maximum speed.
6. Date of build.

Alternative Compliance Options

It is important to note that owners/operators of MASS under 2.5 metres are not required to rely on MGN 702. They may choose to comply with MGN 664 or Edition 3 instead.

Self-declaring under MGN 702 requires ensuring that both the vessel and its operations are compliant with the International Regulations for Preventing Collisions at Sea (COLREG). Given the size limitations of vessels covered by this exemption, this can present significant practical challenges.

Recommendations for Owners and Operators

Before self-declaring under MGN 702, owners and operators should take the following steps:

- **Document compliance:** Although not explicitly required by the MCA, documenting steps taken to assess compliance with the General Exemption is strongly recommended. The hazard identification template attached to MGN 705 provides a helpful starting point. We strongly advise that the rationale behind any decisions taken about risk control is recorded in a separate document, as the risk assessment will come under intense scrutiny in the event of an incident. In our experience, owners and operators can have made sensible decisions at the time but struggled to recall the reasons behind them as time passes and when under pressure.
- **Ensure proper insurance:** Owners and operators should secure appropriate insurance to cover potential liabilities in the event of an accident. We recommend that the liability insurance products that will provide proper risk transfer are sourced via an experienced broker, familiar with MASS.

It is not possible to transfer the risk of criminal culpability to insurance in the event of injury, death, pollution or regulatory breach. However, it is possible to transfer corporate risk by means of D&O cover and to mitigate the consequences of civil litigation by means of effective liability cover.

Although there has been no recorded accident involving MASS that required investigation by the Police, the Marine Accident Investigation Branch (MAIB) or the Maritime and Coastguard Agency (MCA) to the best of our knowledge, the importance of insurance at both company and personal levels cannot be overstated.

Conclusion

The introduction of MGN 702 offers a proportionate and flexible pathway for operators of mini-MASS to navigate regulatory requirements. However, the responsibility for ensuring compliance falls squarely on owners/operators. While this streamlines operations, it also introduces practical and legal challenges, particularly regarding COLREG compliance and documentation. Ensuring robust risk assessment and proper insurance coverage will be essential for mitigating potential risks.

2) MGN 705: General Exemption for ROUVs (2.5m to <4.5m)

MGN 705, effective 31 December 2024, introduces a General Exemption for remotely operated unmanned vessels (ROUVs) ranging in length from 2.5 to under 4.5 metres. For the purposes of this exemption, an ROUV is defined as a vessel with no persons onboard that is controlled from a remote location.

This exemption permits eligible ROUVs to operate without certification issued by the MCA or its delegates, shifting the burden of compliance onto owners and operators. The self-declaration process requires owners/operators to determine which, if any, regulations apply to their vessels and operations.

Unlike MGN 702, however, owners and operators must complete and submit a self-declaration form and a hazard identification summary.

Key Conditions for the MGN 705 General Exemption

For an ROUV to qualify under MGN 705, the following conditions are important to note:

1. **Constant Supervision:** The ROUV must be under continuous human supervision, with a mechanism for the operator to take control at any time.
2. **Speed Limitation:** Vessels capable of exceeding 6 knots are ineligible for this exemption.
3. **Towed Survey Equipment:** ROUVs are permitted to stream and operate towed survey equipment below the water surface, provided it can be launched, recovered, and monitored from the remote operation centre.

4. **COLREG Compliance:** Owners/operators must ensure that the vessel and its operations comply with the International Regulations for Preventing Collisions at Sea (COLREG).
5. **Hazard Identification:** The MCA provides a hazard identification template to assist owners/operators. However, the MCA does not specify the level of detail required, leaving operators to exercise their own judgment.

It is important to note that all of the requirements set out in Section 4 of the exemption are not exhaustive. While not necessarily helpful, this approach is unsurprising appreciating that the MCA has shifted the onus onto the vessel owner/operator.

It is important to note that MASS owners/operators do not have to rely upon MGN 705 if their vessel is between 2.5-4.5 metres. Operators can alternatively use MGN 664 or Edition 3. This exemption will only be in force until 31 December 2027.

Application and Certification Process

To apply for this exemption, owners/operators must submit a self-declaration form to the MCA Code Vessel Team at Codes@mcga.gov.uk.

Once received, the MCA will record the information in its internal database but will not formally validate or accept the self-declaration.

Accident Reporting Requirements

A notable provision under Clause 4.24 of MGN 705 is the statutory obligation for owners/operators to report accidents.

For example, we understand that most software providers now automatically create a link loss register. While a connection drop is not of itself a reportable accident, maintaining clear documentation of all operational incidents, near misses and accidents is important.

Insurance

As with MASS covered by MGN 702, ROUVs operating under the provisions of MGN 705 present similar risks that cannot be treated, tolerated or terminated. Where such risks are possible to be transferred to insurance, we again recommend that suitable liability cover is sourced via an experienced broker.

Conclusion

Complying with MGN 705 is expected to be particularly challenging for smaller ROUVs within the acceptable length range (i.e. closer to 2.5 metres). Ensuring compliance with COLREG and other applicable regulations can be complex, especially for operators navigating the nuances of self-declaration.

Workboat Code (Edition 3)

Our comments on the latest edition of the Workboat Code were outlined in our earlier publication, which can be found [here](#). As we noted in December 2023, the ultimate measure of Edition 3's success would be its practical application by owners and operators.

Now, nearly 13 months later, we understand that no MASS owners or operators have yet successfully obtained certification through this avenue. However, we are aware of several applicants nearing the final stages of certification under Edition 3, which is an encouraging sign for the framework's adoption and usability.

Conclusion

The releases of MGN 702 and MGN 705 mark pivotal moments for the MASS sector, offering simplified and proportionate pathways that ultimately do benefit owners and operators of smaller vessels. These new regulatory avenues will enable faster deployment of MASS, reduce the reliance on equivalence or exemptions, and provide much-needed clarity to operators, particularly for specific vessel sizes.

While MGN 702 and MGN 705 introduce flexible and proportionate frameworks, they also shift significant responsibility onto owners and operators to ensure compliance. The lack of formal validation by the MCA reduces administrative barriers but demands careful documentation and preparation by operators. Practical challenges, such as reporting requirements and ensuring COLREG compliance for smaller vessels, remain significant considerations.

The self-declaration process also raises broader concerns. If a self-declaration is found to be incorrect—particularly in the aftermath of a near miss or accident—owners and operators could face heightened risks. The absence of prescriptive guidance, particularly around complex issues like failure models or COLREG compliance, underscores the potential for liability and uncertainty.

If these processes and risks are perceived as overly expensive, cumbersome, or difficult to navigate, there is a real possibility that operators will seek to flag their MASS in jurisdictions outside the UK despite the latest avenues for deployment.

Despite the above challenges, the UK's regulatory advancements provide much-needed clarity to the sector. By reducing uncertainties around compliance, ultimately the framework fosters a stable environment for investment and operational planning. This, in turn, helps attract further capital

and innovation, ensuring the continued growth and development of the MASS industry.

While continuing to monitor developments from the North Sea MASS Memorandum of Understanding — established to encourage collaboration and resolve operational challenges across the UK, Belgium, Denmark, and the Netherlands — it is clear that the MCA is successfully positioning the UK as a global leader in the development of MASS specific regulation.

The Regulations

- MGN 702 (M) can be found [here](#).
- MGN 705 (M) can be found [here](#).
- MGN 664 (M+F) can be found [here](#).
- Workboat Code Edition 3 can be found [here](#).
- The Merchant Shipping (Small Workboats and Pilot Boats) Regulations 2023 can be found [here](#).

Stephenson Harwood provides comprehensive advice on all aspects of marine autonomy, including assisting autonomous vessel owners, charterers, insurers, shipyards and financiers with construction, chartering, corporate sales and purchases, regulatory compliance and accident investigations.

If you have any questions about MASS, please do not hesitate to contact us.

Contact us



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