



Department
for Transport

04 March 2022

MARITIME SANCTIONS AGAINST THE RUSSIAN FEDERATION

GUIDANCE FOR UK PORTS – **VERSION 2** – 04 March 2022

On 01 March 2022, the Department for Transport issued guidance for UK ports covering maritime sanctions that were issued on the 01 March 2022 and came into immediate effect.

This is version 2 of the Department for Transport guidance, which replaces all previous versions.

The sanctions were introduced by ‘The Russia (Sanctions) (EU Exit) (Amendment) (No. 4) Regulations 2022’ which are available in full on legislation.gov.uk. They amended the existing Russia (Sanctions) (EU Exit) Regulations 2019 (“the 2019 Regulations”) to add in shipping sanctions. General guidance is available on gov.uk.

The guidance in this document and the Question and Answer at **Appendix A** have been updated. **Appendix B** has been added to provide further details on how to accurately identify ships that are subject to the sanctions.

GUIDANCE TO MARITIME SANCTIONS AGAINST THE RUSSIAN FEDERATION

The UK government has been clear there would be consequences and a severe cost for any Russian military incursion into Ukraine, and, in coordination with our international allies and partners, we have put in place an unprecedented package of sanctions.

This guidance covers the maritime sanctions which were put into effect on the 1 March.

The Russia (Sanctions) (EU Exit) (Amendment) (No. 4) Regulations 2022 are available [here](#). The statutory guidance is available [here](#).

The Regulations prohibit Russian ships, and other ships specified by the Secretary of State, from entering ports in the United Kingdom. The Regulations provide the Secretary of State with a power to control the movement of Russian ships or specified ships by requiring them to leave or enter specified ports, proceed to a specified place or remain where they are. The Regulations also confer powers on the Secretary of State and harbour authorities to detain Russian ships or specified ships at ports or anchorages.

The Regulations require that ports must **not provide a ship with access to a port in the UK** if they know, or have reasonable cause to suspect, that the ship is:

- a) a ship owned, controlled, chartered or operated by a designated person,
- b) a ship owned, controlled, chartered or operated by persons connected with Russia,
- c) a ship flying the flag of Russia,
- d) a ship registered in Russia, or
- e) a specified ship.

Guidance on what is meant by 'connected with Russia' and 'specified ship' is provided below.

Contravening this requirement is an offence under the Regulations. A master or pilot of a ship above also commits an offence if they enter a port in the UK and they know, or have reasonable cause to suspect, that the ship falls within the categories listed above.

The Secretary of State or a harbour authority can also issue a **port barring direction** to specified ships (not the wider list of ships above) prohibiting them from entering a port or ports specified in the direction, or any port in the United Kingdom. The Secretary of State may direct a harbour authority to take such steps as are reasonably practicable to secure that a ship mentioned in a port barring direction does not enter a port or ports specified in the direction, or any port in the United Kingdom.

There are **exceptions to the prohibition on port entry**, namely where a port entry direction has been given in relation to the ship (see below) or where access is needed by the ship in a case of emergency.

A **port entry direction or movement direction** may be given by the Secretary of State to the master or pilot of:

- a) a ship owned, controlled, chartered or operated by a designated person,
- b) a ship owned, controlled, chartered or operated by persons connected with Russia,
- c) a ship registered in Russia,
- d) a ship flying the flag of Russia, or
- e) a specified ship.

OFFICIAL

The directions can require a ship to leave a port, proceed to a specified place, remain where it is or enter a port. The Secretary of State may also direct a harbour authority to take such steps as are reasonably practicable to secure that a ship complies with a direction. It is an offence not to comply with a direction.

A **detention direction** may be given by the Secretary of State or a harbour authority to the master of:

- a) a ship owned, controlled, chartered or operated by a designated person,
- b) a ship owned, controlled, chartered or operated by persons connected with Russia,
- c) a ship flying the flag of Russia, or
- d) a specified ship.

Note that a harbour authority may only issue a detention direction to a specified ship if it has been directed to do so by the Secretary of State. Failing to comply with a detention direction is an offence.

These Regulations do not apply to ships (that are not otherwise covered by the Regulations) originating from or destined for Russian ports; ships carrying cargo to or from Russia are not within scope of the transport sanctions unless they are Russian ships or specified ships. These Regulations do not apply to ships (that are not otherwise included in the Regulations) with Russian crews or Masters, unless they are a Designated Person.

“Specified ships” are ships which are specified by the Secretary of State under the Regulations. When a ship is specified (or where a specification is revoked) this will be communicated to Ports.

The Regulations also enable the Secretary of State to designate different persons for the purposes of different provisions of the Regulations. There are currently no individuals on the list of persons designated for the purposes of shipping sanctions. A list will be published should any person be designated for the purposes of shipping sanctions.

For further guidance on these sanctions, please see **Appendix A**.

Question and Answer

Scope

1. When do the Russia (Sanctions) (EU Exit) (Amendment) (No. 4) Regulations 2022 come into effect?

The Regulations came into effect as of 3.00 p.m. on 01 March 2022.

2. How long will the Russia (Sanctions) (EU Exit) (Amendment) (No. 4) Regulations 2022 last?

The Regulations will remain in place until further notice.

3. Will these Regulations apply in Scotland, Wales and Northern Ireland?

Yes, these Regulations apply to ports across the whole of the UK, and we continue to work closely with the Devolved Administrations.

4. Does the prohibition on port entry include all ships carrying cargo from Russia or which are bound for Russia?

No, this only affects ships within scope of the Regulations. Ships (that are not otherwise included in the Regulations) carrying cargo to or from Russia are not within scope of these Regulations.

Ports must consider the impact of trade sanctions which prohibit the export of ships and the provision of related technical assistance and services. More detail is available here: <https://www.gov.uk/government/publications/russia-sanctions-guidance/russia-sanctions-guidance>.

5. Does the prohibition on port entry apply to non-Russian ships inbound from Russian ports, or with a Russian port as one of their last 10 ports of call?

The Regulations do not apply to ships (that are not otherwise included in the Regulations) travelling from Russian ports, or with a Russian port as one of its last 10 ports of call.

6. What if a port or ship does not comply with any of the requirements under the Regulations?

It is an offence for any person to:

- a) contravene the prohibition on port entry;
- b) fail to comply a port entry direction, or disclose confidential information with respect to a port entry direction;
- c) fail to comply with a movement direction, or disclose confidential information with respect to a movement direction; or
- d) fail to comply with a detention direction.

7. Do sanctions apply to Russian ships entering ports in The Crown Dependencies and British Overseas Territories?

These sanctions do not currently apply to Russian ships entering ports in The Crown Dependencies and British Overseas Territories.

Identifying ships subject to sanctions and liability

8. Are ports responsible for identifying sanctioned ships?

UK ports must comply with the prohibition on providing port access if it is known, or if there is reasonable cause to suspect, that a ship is one to which the sanctions apply. It is for Ports to conduct their own due diligence and assure themselves of compliance with the Regulations.

9. How can UK ports and harbour authorities accurately identify if a ship is owned, controlled, chartered, or operated by a person connected with Russia?

UK ports must comply with the prohibition on providing port access if it is known, or if there is reasonable cause to suspect, that a ship is one to which the sanctions apply.

Ports should use available commercial means to make a determination and contact ships as required. Ports are best placed in implementing the legislation as they will be able to take a judgement call on each case with commercial knowledge. The powers passed enable them – ports, port authorities and harbour authorities – the power to enact the legislation.

UK government will endeavour to support UK ports and harbour authorities in identifying ships within scope of the sanctions. We will communicate directly with ports when we identify a pressing need to do so, through the Port Facility Security Officer where applicable.

Further information on how to identify ships that are within scope of the sanctions can be found at **Annex B**.

10. If a company is conducting due diligence in its chartering of a ship to receive goods into the UK, is there a mechanism by which UK government can provide assurances that the ship is not subject to the sanctions before the ship is chartered?

While UK government will endeavour to support the sector in the identification of ships which are in scope of the sanctions, we cannot provide a definitive assessment to companies. It is for companies to conduct their own due diligence and assure themselves of compliance with the Regulations. Additional guidance to support this consideration is provided in **Appendix B** below.

11. Do the Regulations apply to all Russian-flagged ships?

Yes, the Regulations apply to all Russian-flagged ships.

12. Do the Regulations include ships such as Russian yachts?

Within the Regulations, “ship” includes every description of vessel used in navigation and will include yachts.

13. Is a ship that has recently re-flagged from the Russian flag permitted to enter a UK port?

This should be considered on a case-by-case basis, to ensure that the ship does not otherwise fall within scope of the sanctions. The sanctions apply to a broader category of ships than those which fly the flag of Russia. It is the port who must comply with the Regulations if it is known, or if there is reasonable cause to suspect that a ship is one to which the sanctions apply.

Communications with ships and UK government

14. Who is responsible for communicating with ships to which these sanctions apply?

UK ports must not provide a ship with access to a port in the UK if it is known, or if there is reasonable cause to suspect that a ship is one to which the sanctions apply. It is for individual ports to decide how to ensure they do not contravene the prohibition on port entry, but this may include contacting ships if they are identified as falling within scope of the sanctions.

15. Will the UK government provide ports with a list of ships subject to sanctions that may be due to arrive into their port?

UK ports must comply with the sanctions if it is known, or if there is reasonable cause to suspect that a ship is one to which the sanctions apply.

UK government will endeavour to support UK ports and harbour authorities in identifying ships within scope of the sanctions. We will only communicate directly with relevant ports when we identify a pressing need to do so. While UK government will endeavour to support the sector in the identification of ships which are in scope of the sanctions, we cannot provide a definitive assessment to ports.

16. If a ship/shipping agent seeks guidance from ports as to whether it is subject to sanctions, what action should the port take?

Ports should use available commercial means to make a determination, and must refuse access to the port if there is reasonable cause to suspect that a ship is one to which the sanctions apply.

17. If a ship disputes that it is a ship to which the sanctions to apply, what action should the port take?

Ports should use their available powers to deny entry to their port if there is reasonable cause to suspect that a ship is one to which the sanctions apply.

In cases of significant disagreement, DfT can be contacted for advice. Contact MARITIMESECURITY@dft.gov.uk.

18. Who should ports notify if a ship subject to sanctions refuses or does not comply with the prohibition of port entry?

In a case where a ship refuses or fails to comply with the prohibition of port entry, DfT can be contacted for advice. Contact MARITIMESECURITY@dft.gov.uk.

19. Who should ports notify if a ship subject to sanctions refuses to or does not comply with a direction to move?

In a case where a ship refuses or fails to comply with a direction to move, DfT can be contacted for advice. Contact MARITIMESECURITY@dft.gov.uk.

20. Who should ports notify if a ship subject to sanctions refuses to or does not comply with a detention direction?

In a case where a ship refuses or fails to comply with a detention direction, DfT can be contacted for advice. Contact MARITIMESECURITY@dft.gov.uk.

Ships subject to sanctions outside of UK ports

21. Are ships subject to the sanctions permitted to anchor in UK internal waters OR in the territorial sea?

Yes, the sanctions do not affect anchoring in UK internal waters (where these are not part of ports) or in the UK's territorial sea. The sanctions do not affect the UK government's commitment to upholding international maritime conventions.

22. Are ships that fall within the scope of these sanctions entitled to conduct innocent passage through the UK territorial sea?

Yes, ships subject to the sanctions may conduct innocent passage through UK territorial sea. The sanctions do not affect the UK government's commitment to upholding international maritime conventions.

23. Are ships subject to sanctions permitted to enter and sail through the UK's exclusive economic zone?

Yes, ships subject to the sanctions can still conduct innocent passage through the UK's exclusive economic zone. The sanctions do not affect the UK government's commitment to upholding international maritime conventions.

24. Are ships in scope of the sanctions permitted to continue working on off-shore developments?

Yes, ships within scope of the sanctions would not be in breach of regulations if they are not coming into port, and no other directions under regulations had been issued.

25. Are ships subject to the sanctions permitted to undertake ship-to-ship transfers in UK harbours?

Ships subject to the transport sanctions can still undertake activity such as ship-to-ship transfers or crew transfers. If such activity takes place in a harbour then a ship subject to the sanction may breach the sanctions as harbours can contain ports. Ships should check with harbour authorities where ports extend to.

26. Will Russian ships be detained at sea if they are approaching the UK?

Detention of ships underway is not covered by the legislation.

Emergencies and exceptions

27. What if a ship subject to sanctions is stricken, in need of assistance or in distress?

The sanctions do not affect the UK government's commitment to upholding international maritime conventions. The regulations contain an exception to the prohibition on port entry where access is needed by the ship in a case of emergency. Ships that are stricken, in need of assistance or in distress should follow normal procedures for requesting help. The role and responsibilities of Her Majesty's Coastguard remain unaffected.

28. What constitutes an emergency that would exempt a ship from being prohibited entry to the port?

There are exceptions to the prohibition on port entry in case of emergency, which could include threats to safety or serious harm to the maritime environment, or accidents which have created a risk to safety or a risk of pollution by a hazardous substance.

On-board medical emergencies should be notified to Her Majesty's Coastguard with the potential for medical evacuation via aircraft or ships.

29. What action should a port take if a ship subject to sanctions claims there is an emergency on board and requests permission to enter the port?

If there is an emergency which exempts a ship from the prohibition on port entry, the ship should be permitted to enter the port, and the port or harbour authority should notify the Department for Transport that this exception has been made.

30. What if a ship subject to sanctions requires refuelling in order to comply with the direction?

There are exceptions in the Regulations in case of emergency, which includes threats to safety or serious harm to the marine environment.

However, in the case of refuelling, alternatives to entering port should first be considered. This cannot be a routine or planned occurrence. Port entry must be solely for the purposes of resolving the emergency and should only be permitted for minimal time required to resolve the emergency. Ports should also be aware of their obligations under trade and financial sanctions.

Seafarers

31. Do the Regulations apply to all ships with Russian seafarers on board?

No, the Regulations do not apply to ships (that are not otherwise included in the Regulations) with Russian crew or Masters, unless they are a Designated Person for the purposes of shipping sanctions.

For the purpose of these Regulations, a ship is not controlled or operated by its Master or Crew.

32. Are Russian seafarers permitted to take shore leave at UK ports?

Seafarers on board ships that do fall within scope of the transport sanctions are permitted to take shore leave, regardless of nationality. Shore leave rights for crew and their repatriation fall under the International Maritime Labour Convention.

If the ship does fall within scope of the sanctions, it is not permitted entry to the port.

33. Are sanctioned ships permitted to enter UK ports if any seafarers on board – regardless of nationality – wish to leave the ship or not continue working on board.

No, ships subject to sanctions will be refused entry to port regardless of nationalities of those on board.

There are exceptions to the prohibition on port entry in case of emergency, which includes threats to safety or serious harm to the maritime environment.

34. What if a British National is on board a ship subject to the sanctions?

The sanctions apply to all Russian-linked ships, as outlined in the regulations.

Any British Nationals working on a ship which falls into scope of the sanctions with concerns should contact the Foreign, Commonwealth and Development Office for further assistance.

35. Are pilots who unwittingly board a ship which falls within the scope of sanctions committing an offence?

The master or pilot of a ship must not cause or permit the ship to enter a port in the United Kingdom if the master or pilot knows, or has reasonable cause to suspect, that the ship is a ship to which the prohibition on port entry applies.

They could be subject to prosecution if they knew, or had reasonable cause to suspect, that the ship was a ship to which the prohibition applied.

Detention of ships subject to sanctions

36. Will ships subject to the sanctions be detained if they are already in a UK port?

The legislation includes powers to detain Russian ships and to direct them out of UK ports. These powers would be applied on a case-by-case basis where needed, and in close discussion with the Port.

37. Will ships subject to the sanctions be detained at sea if they are approaching the UK?

The UK fully observes the right of innocent passage as per the United Nations Convention on the Law of the Sea. The detention of ships underway is not covered by the legislation.

38. Where will a ship be detained?

This would depend on the specific circumstances and be determined in discussion with the Port, but it is expected that a detained ship could remain in its berth or be moved to an alternative safe mooring so as not to impede port operations, whether that is alongside or an anchorage.

39. What will happen to seafarers on board detained ships?

Seafarers on detained ships will continue to be permitted access to shore leave or to be repatriated. Seafarers may also be permitted to join the ship if replacing crew or to ensure compliance with manning requirements.

Ports should permit access to detained ships for port chaplains or ship visitors.

APPENDIX B**Identifying ships within scope of the prohibition on port entry**

The Russia (Sanctions) (EU Exit) (Amendment) (No. 4) Regulations 2022 were made and came into force at 15:00 on 1 March 2022. They amend the existing Russia (Sanctions) (EU Exit) Regulations 2019 (“the Regulations”) to add in shipping sanctions. Regulation 57A defines a ship to which the prohibition on port entry applies as the following:

- A ship owned, controlled, chartered or operated by a designated person,
- A ship owned, controlled, chartered or operated by persons connected with Russia
- A ship flying the flag of Russia,
- A ship registered in Russia, or
- A specified ship.

Further details defining the terms used above has been provided below to assist with identification.

Persons connected with Russia

For the purposes of these sanctions, regulation 57I(5) provides that a person is ‘connected with Russia’ if they are:

- An individual who is, or an association or combination of individuals who are, ordinarily resident in Russia
- An individual who is, or an association or combination of individuals who are, located in Russia,
- A person, other than an individual, which is incorporated or constituted under the law of Russia, or
- A person, other than an individual, which is domiciled in Russia.

Designated person

The Regulations enable the Secretary of State to designate different persons for the purposes of different provisions of the Regulations. There are currently no individuals on the list of persons designated for the purposes of shipping sanctions. A list will be published should any person be designated for the purposes of shipping sanctions.

Owned

For the purposes of these sanctions, a ship is “owned” by a person if the legal title to the ship, or any share in the ship is vested in the person, or the person has a beneficial interest in the ship or in any share of the ship (see regulation 57I(1)(a)).

Controlled and Operated

For the purposes of these sanctions, a ship is “controlled” by a person who is able to take decisions about its operation, including (but not limited to) decisions about the route the ship may take, facilitate its operations and the appointment of master or crew (regulation 57I(1)(b)).

The regulations do not define what is meant by ‘operated’.

Ports should consider whether any person providing services to the ship and connected with Russia could be said to control or operate it. Whether a ship is ‘controlled’ or ‘operated’ by a

OFFICIAL

person connected with Russia will be a factual and legal question which ports must assess in relation to each ship on a case-by-case basis.

Chartered

For the purposes of these sanctions, a ship is “chartered” by a person who has “hired” the ship to transport their cargo. They have signed a charter party with the owner of a ship and this hires or leases a ship or a part of the capacity thereof. A ship is also “chartered” by a person if it is chartered on bareboat charter terms within the meaning given by section 17(11) of the Merchant Shipping Act 1995.

A specified ship

“Specified ships” are ships which are specified by the Secretary of State under the Regulations. When a ship is specified (or where a specification is revoked) this will be communicated to Ports via the Port Security Facility Officer.

Supplementary information

Persons that are required to make a decision on permitting a ship access to a port, should satisfy themselves that all reasonable due diligenceⁱ has been carried out. This may involve liaising with agents, charterers, owners and others so that ports can assure themselves that a ship is not one to which the prohibition on port entry applies. If, having gathered evidence in relation to a ship, a port still has reasonable cause to suspect a ship then entry should be prohibited.

Crew

A ship which has Russian crewmembers, or a Russian Master **is not** in scope of the sanctions, provided the ship does not otherwise fall within scope of the prohibition on port entry.

Conversely a Russian-flagged (or registered) ship with non-Russian seafarers on board **is** in scope of the prohibition on port entry.

Charter and Cargoes

Russian cargos are **not** in scope of sanctions. However, there are important aspects to this:

If a person connected with Russia, as defined in reg.571(5), charters a ship then this ship will be in scope of the sanctions.

A Russian cargo in a ship that is not connected to Russia, as defined in reg.571(5), will not fall under sanctions unless the cargo belongs to a designated person (see above).

Ports should also be aware of their obligations under trade and financial sanctions.

ⁱ Ports are encouraged to make use of all available commercial means to make a determination.