
DRAFT STATUTORY INSTRUMENTS

2022 No.

**The Merchant Shipping (Control and Management
of Ships' Ballast Water and Sediments) Order 2022**

Provisions supplementary to article 3

4. Without prejudice to the generality of article 3, the regulations referred to in that article may in particular include provision—

- (a) with respect to the carrying out of surveys and inspections and the issue, duration and recognition of certificates;
- (b) with respect to—
 - (i) the application of the regulations to the Crown;
 - (ii) the extraterritorial operation of the regulations; and
 - (iii) the extension of the provisions of the regulations, with or without modification, to any relevant British possession;
- (c) that a specified contravention of the regulations is to be an offence punishable—
 - (i) on summary conviction in England and Wales with a fine;
 - (ii) on summary conviction in Scotland or Northern Ireland with a fine not exceeding the statutory maximum;
 - (iii) on conviction on indictment with a fine;
- (d) that any such contravention is to be an offence punishable only on summary conviction—
 - (i) in England and Wales with a fine;
 - (ii) in Scotland or Northern Ireland with a fine not exceeding level 5 on the standard scale;
- (e) in connection with offences created by the regulations, corresponding to the provision made in connection with offences under section 131 (discharge of oil from ships into certain United Kingdom waters) of the 1995 Act by sections—
 - (i) 143(6) (prosecutions and enforcement of fines);
 - (ii) 144 (power to detain ships for section 131 offences); and
 - (iii) 146 (enforcement and application of fines),of the 1995 Act, whether by applying, or making provision for the application of, any of those sections, subject to such modifications as may be specified in the regulations; and
- (f) for detaining a ship in respect of which a contravention of the regulations is suspected to have occurred and, in relation to that ship, for applying section 284 (enforcing detention of ship) of the 1995 Act with such modifications as may be specified in the regulations.