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STATUTORY INSTRUMENTS

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**1995 No. 3128**

**The Merchant Shipping (Port State Control) Regulations 1995**

**PART I**

**IMPLEMENTATION OF COUNCIL DIRECTIVE 95/21/EC**

**Follow-up to inspections and detention**

**13.**—(1) Where deficiencies referred to in regulation 9(2) cannot be rectified in the port of inspection, the Marine Safety Agency may allow the ship to proceed to the nearest appropriate repair yard available, as chosen by the master and the responsible parties, provided that the conditions determined by the competent authority of the flag administration and agreed by the Marine Safety Agency are complied with. Such conditions shall ensure that the ship can proceed without risk to the safety and health of passengers or crew, or risk to other ships, or without there being an unreasonable threat of harm to the marine environment.

(2) In the circumstances referred to in paragraph (1), the Marine Safety Agency shall notify the competent authority of the State where the repair yard is situated, the parties referred to in regulation 9(5) and any other authority as appropriate of all the conditions for the voyage.

(3) The notification of the parties referred to in paragraph (2) shall be in accordance with Annex 2 to the MOU.

(4) Where the Marine Safety Agency receives notification from the competent authority of another member State in respect of a ship which that authority (“the notifying authority”) has, pursuant to Article 11.1 of the Council Directive as having effect in that State, allowed to proceed to a repair yard in the United Kingdom, the Marine Safety Agency shall inform the notifying authority of the action it has taken.

(a) (5) (a) A ship to which this paragraph applies which proceeds to sea from any port in any member State:

(i) without complying with the conditions determined by the competent authority of the member State in the port of inspection; or

(ii) which fails to, comply with the applicable requirements of the Conventions by not calling into the indicated repair yard;

shall not enter any port within the United Kingdom, until the owner has provided evidence to the satisfaction of the competent authority of the member State where the ship was found defective that the ship fully complies with all applicable requirements of the Conventions.

(b) This paragraph applies to a ship, detained in a port in a member State after inspection has revealed deficiencies which are clearly hazardous to safety, health or the environment, which has been allowed by the competent authority to proceed to the nearest appropriate repair yard.

(6) If a ship proceeds to sea from a port in the United Kingdom without complying with the conditions determined by the Marine Safety Agency in accordance with paragraph (1), the Marine Safety Agency shall immediately alert the competent authorities of all the other member States.

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(7) If a ship to which paragraph (5) applies is to proceed to a repair yard in the United Kingdom, but fails to call into the indicated repair yard, the Marine Safety Agency shall immediately alert the competent authorities of all the other member States.

(8) Notwithstanding the provisions of paragraph (5), access to a specific port may be permitted by the Secretary of State in the event of force majeure or overriding safety considerations, or to reduce or minimize the risk of pollution or to have deficiencies rectified, provided adequate measures to the satisfaction of the Marine Safety Agency have been implemented by the owner or the master of the ship to ensure safe entry.