
STATUTORY INSTRUMENTS

2001 No. 3209

**The Merchant Shipping (Domestic Passenger Ships)
(Safety Management Code) Regulations 2001**

Enforcement

9.—(1) An authorised person:

- (a) may inspect a safety management system on the basis of which a Domestic Ship Safety Management Certificate has been issued,
- (b) may inspect a ship for the purpose of seeing that these Regulations are complied with.

(2) An authorised person exercising functions under this regulation shall have the powers conferred on an inspector by section 259 of the Merchant Shipping Act 1995.

(3) Where an authorised person considers that a ship, notwithstanding that a Domestic Ship Safety Management Certificate is in force in relation to that ship, is unable to operate without creating a risk of serious danger to safety of life, the Secretary of State may suspend the Domestic Ship Safety Management Certificate of that ship until such time as any risk is removed.

(4) Where a Domestic Ship Safety Management Certificate is to be suspended in accordance with paragraph (3) the Secretary of State shall serve on the company a notice:

- (a) stating that the Certificate shall be suspended, and
- (b) containing the grounds for the suspension.

(5) A notice under paragraph (4) shall not be given unless the company has been given the opportunity to make representations, except where the Secretary of State considers that urgent safety considerations require the notice to be given immediately.

(6) If an authorised person is satisfied on inspecting a ship that there is a failure to comply with a requirement of regulation 5 or 6 in relation to that ship he may detain the ship.

(7) In any case where a ship is liable to be detained, section 284 of the Merchant Shipping Act 1995⁽¹⁾ (which relates to the detention of the ship) shall have effect in relation to the ship subject to the modification that for the words “this Act”, wherever they appear, there shall be substituted the words “the Merchant Shipping (Domestic Passenger Vessels) (Safety Management Code) Regulations 2001”.

(8) Where a ship is detained in relation to a failure to comply with a requirement of regulation 5 or 6, sections 96 and 97 of the Merchant Shipping Act 1995 shall apply to the notice of detention as they apply to a detention notice under section 95 of that Act, and as if for references to the ship being dangerously unsafe there were substituted references to there having been a failure to comply with either of those Regulations.

(1) Section 284 was amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), Schedule 1, paragraph 5.