
STATUTORY INSTRUMENTS

2003 No. 1636

The Merchant Shipping (Port State Control) (Amendment) Regulations 2003

Amendment of Merchant Shipping (Port State Control) Regulations 1995

10.—(1) Regulation 9 (rectification and detention) shall be modified as follows.

(2) In paragraph (1), for the words “regulation 6 or 7” there shall be substituted the words “regulation 5(2), 6 or 7”.

(3) For paragraph (3) there shall be substituted:

- (a) “(3) Subject to paragraph (b) and without prejudice to any other requirement in the Convention enactments, when exercising his professional judgement as to whether or not a ship should be detained the inspector shall apply the criteria set out in Annex VI of MSN 1775.
- (b) A ship shall be detained if it is not equipped with a functioning voyage data recorder system, when its use is compulsory in accordance with Annex XIII of MSN 1775.
- (c) If the deficiency mentioned in paragraph (b) cannot readily be rectified in the port of detention, the Maritime and Coastguard Agency may either allow the ship to proceed to the nearest appropriate port where it is capable of being rectified and shall be so rectified, or require that the deficiency be rectified within a maximum period of 30 days.
- (d) For the purposes of this paragraph the procedures set out in regulation 13 shall apply.”.

(4) For paragraph (5) there shall be substituted:

- (a) “(5) Without prejudice to any other requirement in the Convention enactments, in the event that a ship is detained following an inspection referred to in regulation 5(2), 6 or 7, the Maritime and Coastguard Agency shall immediately inform, in writing—
 - (i) the ship’s flag administration; or, if this is not possible,
 - (ii) the Consul of the State of the flag administration; or, in his absence,
 - (iii) the nearest diplomatic representative of the State of the flag administration.
- (b) The written information referred to in paragraph (a) above shall set out all the circumstances relating to the Maritime and Coastguard Agency’s decision to detain the ship and shall include the report of inspection.
- (c) The Maritime and Coastguard Agency shall, where relevant, also notify—
 - (i) nominated surveyors; or
 - (ii) recognized organisationsresponsible for the issue of class certificates or other ship’s certificates issued on behalf of the State of the flag administration.”.