
STATUTORY INSTRUMENTS

2003 No. 1636

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

Amendment of Merchant Shipping (Port State Control) Regulations 1995

11.—(1) Regulation 10 (right of appeal and compensation) shall be modified as follows.

(2) In paragraph (1), after the words “power of detention” there shall be inserted the words “or refusal of access”.

(3) For paragraph (2) there shall be substituted—

“(2) Section 96 of the Act (arbitration) shall apply in relation to an access refusal notice under this Part of these Regulations as it applies to a detention notice under section 95(3) of that Act subject to the following modifications—

- (a) references to “relevant inspector” mean a person making an inspection under this Part of these Regulations;
- (b) the following words shall be deemed to be omitted—
 - (i) in subsection (1), “in pursuance of section 95(3)(b)”;
 - (ii) in subsection (2), from “unless” to the end;
 - (iii) in subsection (3), “to whether the ship was or was not a dangerously unsafe ship”; and
 - (iv) in subsection (5), “as a dangerously unsafe ship”.

(4) In paragraph (3)—

- (a) after the words “detention notice” there shall be inserted the words “or access refusal notice”; and
- (b) after the words “detention of the ship” there shall be inserted the words “or the service of the access refusal notice”.

12.—(1) Regulation 11 shall be modified as follows.

(2) In paragraph (1)—

- (a) after the words “detention notice” wherever they appear there shall be inserted the words “or access refusal notice”; and
- (b) after the words “power of detention” there shall be inserted the words “or refusal of access”.

(3) At the end of paragraph (2), there shall be added the words “or access refusal notice”.

(4) In paragraph (3), after the words “detention notice” there shall be inserted the words “or access refusal notice” and at the end there shall be added the words “or served with an access refusal notice”.

(5) In paragraph (4)—

- (a) after the words “detention notice” there shall be inserted the words “or access refusal notice, as the case may be,”; and

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(b) for the words “the notice” there shall be substituted the words “such notice”.

(6) At the end of paragraph (5), there shall be added the words “or for the service of an access refusal notice”.

13.—(1) Regulation 12 shall be modified as follows.

(2) In paragraph (1)—

(a) after the words “detention notice” there shall be inserted the words “or access refusal notice”; and

(b) for the words after “in consequence of” there be substituted the words
“, as the case may be, the detention of the ship or the service of an access refusal notice, as the arbitrator thinks fit.”.

14. In regulation 16 (release of information), for the words “MSN 1725” there shall be substituted the words MSN 1775”.