
STATUTORY INSTRUMENTS

2008 No. 2924

**The Merchant Shipping (Prevention of Air
Pollution from Ships) Regulations 2008**

PART 4

Inspections, Detentions and Offences

Restriction on jurisdiction over offences outside United Kingdom limits

35.—(1) Where there has been an offence of a provision of regulation 2 1(4) or 22(1) or (2) in respect of a ship which is not a United Kingdom ship in the internal waters, territorial sea or exclusive economic zone of a foreign State, proceedings in respect of that offence must not be instituted in the United Kingdom unless—

- (a) that foreign State, the flag State of the ship in question or a State polluted or threatened with pollution as a result of the offence requests that proceedings be taken, or
- (b) the offence has caused or is likely to cause air pollution in controlled waters or United Kingdom waters.

(2) Where proceedings have been instituted but not concluded, they must be suspended upon the request of the foreign State in question and the Secretary of State must send all the evidence, court records and documents relating to the case, together with any sum paid or security given, to the foreign State.

(3) In this regulation “foreign State” means a State other than the United Kingdom.