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STATUTORY INSTRUMENTS

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**2008 No. 3257**

The Merchant Shipping (Prevention of Pollution by  
Sewage and Garbage from Ships) Regulations 2008

PART 7

Inspections, Detentions and Offences

**Restriction on jurisdiction over offences outside United Kingdom limits**

**45.**—(1) Where there has been an offence under regulation 42(1)(e) or (f) 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 such proceeding be taken; or
- (b) the offence has caused or is likely to cause pollution in controlled waters or United Kingdom waters.

(2) Where such 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.