
STATUTORY INSTRUMENTS

2011 No. 2601

The Merchant Shipping (Port State Control) Regulations 2011

PART 1

IMPLEMENTATION OF DIRECTIVE [2009/16/EC](#)

Effect of refusal of access notice

12.—(1) A refusal of access notice takes effect when the ship to which it applies leaves the port or anchorage where the refusal of access notice was issued.

(2) A first or second refusal of access notice ceases to have effect when—

- (a) the requirements of paragraphs 3 to 9 of Annex VIII to the Directive have been met; and
- (b) (i) if it is the first refusal of access notice in respect of that ship, three months have passed from the date of issue of the notice; or
(ii) if it is the second refusal of access notice in respect of that ship, twelve months have passed from the date of issue of the notice.

(3) A third refusal of access notice ceases to have effect if—

- (a) 24 months have passed from the date of issue of the notice;
- (b) the ship in respect of which it was served is not entitled to fly the flag of a State whose detention rate falls into the black list or the grey list, adopted in accordance with the Paris MOU on the basis of information recorded in the inspection database and published annually by the Commission;
- (c) the statutory and classification certificates of that ship are issued by an organisation recognised under Regulation [\(EC\) No 391/2009](#) of the European Parliament and the Council of 23 April 2009^{M1} on common rules and standards for ship inspection and survey organisations;
- (d) that ship is managed by a company with a high performance determined in accordance with paragraph 1.1 of Annex I to the Directive; and
- (e) the requirements of paragraphs 3 to 9 of Annex VIII to the Directive have been met.

(4) If, after 24 months, the requirements of paragraph (3) (b), (c), (d) and (e) have not been complied with in respect of a ship, the refusal of access notice becomes permanent.

(5) A ship which is detained in a port or anchorage within the European Union [^{F1}or the United Kingdom] after a third refusal of access notice has been issued in respect of it must not enter any port or anchorage in the United Kingdom.

[^{F2}(6) In this regulation, a reference to Annex VIII of the Directive is to be read as if a reference in that Annex to a “Member State” includes a reference to the United Kingdom.]

Changes to legislation: There are currently no known outstanding effects for the The Merchant Shipping (Port State Control) Regulations 2011, Section 12. (See end of Document for details)

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Textual Amendments

- F1** Words in **reg. 12(5)** inserted (31.12.2020) by The Merchant Shipping (Miscellaneous Provisions) (Amendments etc.) (EU Exit) Regulations 2018 (S.I. 2018/1221), **reg. 2(b)**, **Sch. para. 23(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** **Reg. 12(6)** inserted (31.12.2020) by The Merchant Shipping (Miscellaneous Provisions) (Amendments etc.) (EU Exit) Regulations 2018 (S.I. 2018/1221), **reg. 2(b)**, **Sch. para. 23(b)**; 2020 c. 1, Sch. 5 para. 1(1)
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Marginal Citations

- M1** OJ No. L131, 28.5.2009, p.11.

Changes to legislation:

There are currently no known outstanding effects for the The Merchant Shipping (Port State Control) Regulations 2011, Section 12.