

## STATUTORY INSTRUMENTS

# 2011 No. 2601

## The Merchant Shipping (Port State Control) Regulations 2011

### PART 1

#### IMPLEMENTATION OF DIRECTIVE 2009/16/EC

#### Compensation for unjustified detention

**16.**—(1) If on a reference under regulation 15 relating to a detention notice or refusal of access notice, the arbitrator decides that the owner has proved—

- (a) that the matter complained of did not constitute a valid basis for the inspector's opinion; and
- (b) that there were no reasonable grounds for the issue of the detention notice or refusal of access notice;

the arbitrator must award the owner of the ship such compensation in respect of any loss suffered in consequence of, as the case may be, the detention of the ship or the issue of a refusal of access notice, as the arbitrator thinks fit.

(2) Any compensation awarded under this regulation is payable by the Secretary of State.

(3) In the application of this regulation to Scotland any reference to an arbitrator is to be construed as a reference to an arbiter.

#### Modifications etc. (not altering text)

- C1** Reg. 16 applied (9.6.2015) by The Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2015 (S.I. 2015/782), regs. 1, **54(3)**
- C2** Reg. 16 applied (21.11.2016) by The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Electromagnetic Fields) Regulations 2016 (S.I. 2016/1026), regs. 1, **17** (with reg. 4)
- C3** Reg. 16 applied (23.10.2017) by The Fishing Vessels (Codes of Practice) Regulations 2017 (S.I. 2017/943), regs. 1, **16** (with reg. 3)
- C4** Reg. 16 applied (with modifications) (12.3.2018) by The Merchant Shipping (Prevention of Pollution from Noxious Liquid Substances in Bulk) Regulations 2018 (S.I. 2018/68), regs. 1(1), **37** (with reg. 5)
- C5** Reg. 16 applied (with modifications) (1.3.2019) by The Merchant Shipping (Prevention of Oil Pollution) Regulations 2019 (S.I. 2019/42), regs. 1(1), **41(1)** (with regs. 2, 5)
- C6** Reg. 16 applied (with modifications) (22.7.2020) by The Merchant Shipping (Prevention of Pollution by Garbage from Ships) Regulations 2020 (S.I. 2020/621), regs. 1(2), **20**
- C7** Reg. 16 applied (with modifications) (22.7.2020) by The Merchant Shipping (Prevention of Pollution by Sewage from Ships) Regulations 2020 (S.I. 2020/620), regs. 1(2), **29**
- C8** Reg. 16 applied (with modifications) (29.7.2022) by The Merchant Shipping (Control and Management of Ships' Ballast Water and Sediments) Regulations 2022 (S.I. 2022/737), regs. 1(1), **43** (with reg. 4)

**Changes to legislation:**

There are currently no known outstanding effects for the The Merchant Shipping (Port State Control) Regulations 2011, Section 16.