
STATUTORY INSTRUMENTS

2014 No. 1512

The Merchant Shipping (International Safety Management (ISM) Code) Regulations 2014

PART 3

Certification

Issue and endorsement of documents by Certifying Authority

9.—(1) A Certifying Authority may issue and endorse relevant documents as appropriate in connection with a United Kingdom ship where satisfied that relevant requirements of the ISM Code have been met.

(2) A Certifying Authority other than the Secretary of State acts on behalf of the Secretary of State when issuing and endorsing relevant documents under paragraph (1).

Issue and endorsement of documents by other governments

10. Where—

- (a) the Secretary of State has asked the government of a country which is party to SOLAS to conduct an audit of the safety management system operated onboard a United Kingdom ship;
- (b) that government is satisfied that it is appropriate to issue or endorse a relevant document in accordance with the ISM Code, pursuant to that request; and
- (c) that government has issued or endorsed such a document,

that document has the same effect for the purposes of United Kingdom law as if it had been issued or endorsed by the Secretary of State.

Issue and endorsement of documents on behalf of other governments

11.—(1) The Secretary of State may, at the request of a government of a country which is party to SOLAS audit the safety management system of—

- (a) a ship registered in that country; and
- (b) the ISM company.

(2) Where, having carried out an audit in response to such a request, the Secretary of State is satisfied that the requirements of the ISM Code are met, the Secretary of State may issue to the ISM company a Document of Compliance or a Safety Management Certificate, or, where appropriate, endorse such a document in accordance with the requirements of SOLAS after annual or intermediate audits.

(3) Where the Secretary of State issues or endorses a document in accordance with such a request, the Secretary of State must insert in that document a statement recording the fact.

(4) A document issued or endorsed in accordance with such a request has the same effect as if it had been issued or endorsed by the government which made the request and not by the Secretary of State.

Exemptions

12.—(1) In relation to a ship within regulation 5(2), the Secretary of State may by notice in writing grant an exemption from all or any of the provisions of these Regulations for such classes of case or individual cases, and on such terms, as the Secretary of State may specify.

(2) The Secretary of State may amend or revoke an exemption by notice in writing containing the grounds for the amendment or revocation.

(3) A notice under paragraph (2) is valid only if—

- (a) persons to whom the exemption applies were given the opportunity to make representations before the notice was given; or
- (b) the Secretary of State considers that urgent safety or pollution prevention considerations require the notice to be given immediately.

Suspension or cancellation of documents

13.—(1) In any of the circumstances listed in paragraph (2), a Certifying Authority may by notice in writing containing the grounds for the suspension or cancellation suspend or cancel any relevant document issued under regulation 9 or issued pursuant to a request under regulation 10.

(2) The circumstances referred to in paragraph (1) are—

- (a) the document was issued on the basis of incorrect information;
- (b) an audit required by Part B of the ISM Code in respect of the document has not taken place in the period required by the ISM Code;
- (c) the management structure of the ISM company has changed since the most recent audit of the ISM company's safety management system carried out by or on behalf of the Secretary of State; or
- (d) the ISM company or ship is otherwise not compliant with the ISM Code.

(3) Where a notice given under paragraph (1) in respect of a Document of Compliance so specifies, any associated Safety Management Certificates or Interim Safety Management Certificates are suspended or cancelled also.

(4) A notice under paragraph (1) is valid only if—

- (a) the holder of the relevant document was given the opportunity to make representations before the notice was given; or
- (b) the Certifying Authority considers that urgent safety or pollution prevention considerations require the notice to be given immediately.

(5) A Certifying Authority other than the Secretary of State—

- (a) acts on behalf of the Secretary of State when exercising functions under this regulation; and
- (b) may only exercise functions under paragraph (1) in respect of a relevant document which it issued.