
STATUTORY INSTRUMENTS

2015 No. 508

The Merchant Shipping (Survey and Certification) Regulations 2015

Arbitration

28.—(1) If an applicant is dissatisfied for any reason with the outcome of a survey carried out in respect of a United Kingdom ship, that person may serve a written notice on the responsible person within 21 days of receiving notice of that outcome—

- (a) stating that there is a dispute in relation to the survey, and
- (b) requesting that the dispute be referred to a single arbitrator.

(2) Subject to paragraphs (3), (4) and (6), an arbitrator referred to in paragraph (1) must be appointed by agreement between the parties.

(3) In default of agreement between the parties, the arbitrator is such person as may be appointed by the President or Vice President of the Chartered Institute of Arbitrators following a request by

- (a) a party, after giving written notice to the other party, or
- (b) the parties jointly,

but this paragraph does not apply in relation to Scotland.

(4) No person is to be an arbitrator under this regulation unless that person is—

- (a) a person who holds a certificate of competency as a Class 1 Deck Officer or Class 1 Marine Engineer Officer, or a certificate of competency which is equivalent to such a certificate;
- (b) a naval architect,
- (c) a qualified person,
- (d) a person with experience of shipping matters, or
- (e) a Member of the Chartered Institute of Arbitrators.

(5) An arbitrator appointed under this regulation has the powers of an inspector conferred by section 259 of the Act.

(6) In the application of this regulation to Scotland—

- (a) any reference to an arbitrator is to be construed as a reference to an arbiter, and
- (b) the reference in paragraph (2) to a single arbitrator appointed by agreement between the parties is to be construed as a reference to a single arbiter so appointed or, in default of agreement, appointed by a sheriff.

(7) The rules for arbitration set out in Merchant Shipping Notice M1613 apply unless alternative arrangements are agreed between the applicant and the Secretary of State before the commencement of arbitration proceedings.

(8) In this regulation—

- (a) “applicant” means a person who makes an application for a survey required by these Regulations,

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- (b) “the parties” means the applicant and the responsible person, and “party” is to be construed accordingly,
- (c) “qualified person” means—
 - (i) a person who satisfies the judicial-appointment eligibility condition on a 7-year basis within the meaning of section 50 of the Tribunals, Courts and Enforcement Act 2007^{M1},
 - (ii) a person who is an advocate or solicitor in Scotland of at least 7 years' standing, and
 - (iii) a person who is a member of the Bar of Northern Ireland or a solicitor of the Supreme Court of Northern Ireland of at least 7 years' standing, and
- (d) “responsible person” means the Certifying Authority responsible for the issue of the certificate in connection with which a survey required by these Regulations is carried out.

Marginal Citations

M1 [2007 c.15.](#)

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