
STATUTORY INSTRUMENTS

2020 No. 620

**The Merchant Shipping (Prevention of Pollution
by Sewage from Ships) Regulations 2020**

PART 4

Survey and Certification of Ships

Arbitration

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

- (a) stating that there is a dispute between them; and
- (b) requesting that the dispute be referred to a single arbitrator.

(2) Subject to paragraph (3), an arbitrator referred to in paragraph (1) must be appointed by agreement between the applicant and the responsible person.

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

- (a) one 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 to act as—
 - (i) a master or chief mate on a seagoing ship of 3,000 GT or more, in accordance with Regulation II/2 of Chapter 2 of the Annex to STCW;
 - (ii) a chief engineer officer or second engineer officer on a seagoing ship powered by main propulsion machinery of 3,000 kW propulsion power or more, in accordance with Regulation III/2 of Chapter 3 of the Annex to STCW;
- (b) a person who holds a certificate of competency equivalent to a certificate referred to in sub-paragraph (a);
- (c) a naval architect;
- (d) a qualified person;
- (e) a person with special experience of shipping matters or of activities carried on in ports; or
- (f) 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 (powers of inspectors in relation to premises and ships) of the 1995 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 (1) to a single arbitrator appointed by agreement between the applicant and the responsible person 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 No M.1613(1) apply unless alternative procedures are agreed between the applicant and the responsible person 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;
 - (b) “Merchant Shipping Notice” means a notice described as such and issued by the Secretary of State, and any reference to a particular Merchant Shipping Notice includes a reference to a Merchant Shipping Notice amending or replacing that Notice which is considered by the Secretary of State to be relevant from time to time;
 - (c) “qualified person” means—
 - (i) a person who satisfies the judicial appointment eligibility condition on a seven-year basis;
 - (ii) a person who is an advocate or solicitor in Scotland of at least seven years’ standing; or
 - (iii) a person who is a member of the Bar of Northern Ireland or a solicitor of the Court of Judicature of Northern Ireland of at least seven years’ standing;
 - (d) “responsible person” means—
 - (i) the Certifying Authority responsible under regulation 14 (issue of Sewage Certificates by a Certifying Authority in respect of United Kingdom ships) or 15 (issue of Sewage Certificates by another Contracting State in respect of United Kingdom ships) for the issue of the Sewage Certificate in connection with which a survey required by these Regulations is carried out; or
 - (ii) in the case of a dispute relating to an additional survey, the Certifying Authority which issued the Sewage Certificate in respect of the ship; and
 - (e) “STCW” means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978(2), as amended in 1995 by resolution 1 of the STCW Conference convened at the IMO’s headquarters from 26th June to 7th July 1995.

Commencement Information

II Reg. 23 in force at 22.7.2020, see [reg. 1\(2\)](#)

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- (1) Merchant Shipping Notices are published by the Maritime and Coastguard Agency. Copies of MSN No. M.1613 can be obtained free of charge at www.gov.uk or in hard copy from the Maritime and Coastguard Agency (“MCA”) of Spring Place, 105 Commercial Road, Southampton SO15 1EG.
 - (2) This Convention (“STCW”) was originally published in Cmnd. 7543 and subsequently in Cmnd 9266. An electronic copy of Cmnd. 9266 can be found at <https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=68238>. A hard copy of Cmnd. 9266 is available for inspection free of charge but by appointment at the Parliamentary Archives, Houses of Parliament, London, SW1A 0PW (catalogue number: HL/PO/JO/10/11/2230/2631).

Changes to legislation:

There are currently no known outstanding effects for the The Merchant Shipping (Prevention of Pollution by Sewage from Ships) Regulations 2020, Section 23.