
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 ("the Convention"). The Convention was adopted on 13th February 2004 and came into force internationally on 8th September 2017. The United Kingdom acceded to the Convention on 26th May 2022. These Regulations implement all amendments to the Convention as at the date of this statutory instrument.

The Regulations apply to United Kingdom ships wherever they may be and any other ship whilst it is operating in United Kingdom waters or controlled waters (regulation 4). The Regulations are disappplied in relation to certain ships including those which are not designed or constructed to carry ballast water, ships which operate only in waters under the jurisdiction of a single Contracting State or only in waters under the jurisdiction of a single Contracting State and on the high seas and ships which carry permanent ballast water in sealed tanks not subject to discharge.

Part 2 imposes a prohibition on discharging any ballast water or sediments from a ship unless they are subject to ballast water management (regulation 5). There are a number of exceptions (regulation 6) and the Secretary of State may grant exemptions (regulation 7) and, for certain ships, approve equivalents (regulation 8).

Part 3 requires ships to have an approved ballast water management plan (regulation 9) and to carry a ballast water record book to record operations concerning ballast water (regulation 10). Regulation 11 imposes requirements on where ballast water exchange may take place and regulation 12 sets the standard for the exchange of ballast water. Regulation 13 sets the standard for the treatment of ballast water and sediments.

Part 4 requires the owner and operator of a shipyard within a harbour to provide sediment reception facilities (regulation 14).

Part 5 of the Regulations contains a power to designate nominated bodies to carry out type approval of ballast water management systems (regulation 15). Regulation 16 imposes a requirement on United Kingdom ships to have a valid BWMS (ballast water management system) Type Approval Certificate when the BWMS is installed. The procedure for applying for type approval is contained in regulation 17, whilst the requirements that must be fulfilled for type approval to be granted are in regulation 18. Regulation 19 enables nominated bodies to suspend or withdraw type approval in certain circumstances. Part 5 also makes provision for the Secretary of State to prohibit the use of systems which use active substances and the substances themselves (regulation 20). Regulation 21 allows the Secretary of State to approve the testing of prototype ballast water management systems.

Part 6 of the Regulations provides that a UK ship must not proceed to sea or, if it is already at sea, remain at sea without a valid IBWM Certificate (International Ballast Water Management Certificate) (regulation 23). There is a similar requirement for non-UK ships (regulation 24). United Kingdom ships must be subjected to various surveys (regulation 25) and if they satisfy the requirements of these surveys then a Certifying Authority must issue them with an IBWM Certificate or endorse an existing IBWM Certificate (regulations 26 and 27). Part 6 also provides that an additional survey will be required following a change, replacement or significant repair (regulation 32) and that the ship must be maintained to conform with the provisions of the Regulations following a survey (regulation 31).

Part 7 of the Regulations makes provision in relation to the powers of inspection and detention of ships, and in relation to offences and penalties.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Part 8 amends the Merchant Shipping (Fees) Regulations 2018 ([S.I. 2018/1104](#)) to allow fees to be charged for various functions carried out by the Maritime and Coastguard Agency (“MCA”) under these Regulations.

The Secretary of State must review the operation and effect of these Regulations and publish a report within five years after they come into force and within every five years thereafter (regulation 51). Following such a review it will fall to the Secretary of State to consider whether the Regulations should remain as they are, or be revoked or amended. A further instrument would be needed to revoke the Regulations or to amend them.

Merchant Shipping Notices are published by the MCA and a copy of MSN 1908 (M+F) can be obtained free of charge at [www.gov.uk](#) or in hard copy from the MCA of Spring Place, 105 Commercial Road, Southampton SO15 1EG.

Guidance supporting these Regulations has been published in a Marine Guidance Note (MGN 675 (M+F)). Copies can be obtained free of charge at [www.gov.uk](#) or in hard copy from the address given above.

The Convention can be obtained from the International Maritime Organization (“the IMO”) at IMO Publishing, 4 Albert Embankment, London SE1 7SR, [www.imo.org/publications](#); email: sales@imo.org; telephone: 0207 735 7611. The text of IMO Regulations can be obtained in hard copy from the IMO Library at the same address as IMO Publishing.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is published with the Explanatory Memorandum alongside this instrument on [www.legislation.gov.uk](#).