
STATUTORY INSTRUMENTS

2022 No. 737

The Merchant Shipping (Control and Management of Ships' Ballast Water and Sediments) Regulations 2022

PART 5

Equipment

Designation of nominated bodies

15.—(1) The Secretary of State may designate any person as a nominated body to carry out the procedures specified in section 12 of Merchant Shipping Notice MSN 1908 (M+F).

(2) A designation must be made in writing and set out—

- (a) the functions to be performed by the nominated body; and
- (b) any time limit or condition which applies to the designation.

(3) The Secretary of State may withdraw a designation—

- (a) on request by the nominated body; or
- (b) where the nominated body fails to comply with any time limit or condition imposed under paragraph (2) above.

(4) The Secretary of State may vary a designation—

- (a) on request by the nominated body; or
- (b) where it appears necessary or expedient to do so.

(5) The Secretary of State may inspect a nominated body to ensure it is performing its functions—

- (a) under regulation 18 (grant of type approval: obligations of nominated bodies); and
- (b) in accordance with the conditions of its designation.

(6) Where a person applies for designation under paragraph (1), the Secretary of State must inform that person in writing of the reasons for—

- (a) refusing to designate that person as a nominated body; or
- (b) imposing any condition more onerous than proposed by the applicant.

(7) The Secretary of State must inform a nominated body in writing of the reasons for withdrawing or varying a designation.

Approval of ballast water management systems

16.—(1) Subject to regulation 21(5) (prototype ballast water management systems), a ballast water management system when it is installed on a United Kingdom ship, must have a BWMS Type Approval Certificate issued under regulation 18 (grant of approval: obligations of nominated bodies).

(2) A copy of the BWMS Type Approval Certificate must be kept on board the ship to which it relates.

Application for grant of type approval

17.—(1) A manufacturer must apply to a nominated body for type approval of a ballast water management system in accordance with the procedures set out in section 12 of Merchant Shipping Notice MSN 1908 (M+F).

(2) An application under paragraph (1) must be—

- (a) in writing; and
- (b) accompanied by the documentation required by section 12 of Merchant Shipping Notice MSN 1908 (M+F).

Grant of type approval: obligations of nominated bodies

18.—(1) A nominated body must decide whether to grant or refuse type approval for ballast water management systems in accordance with the requirements of section 12 of Merchant Shipping Notice MSN 1908 (M+F).

(2) Where a nominated body grants type approval for a ballast water management system, it must—

- (a) issue a BWMS Type Approval Certificate; and
- (b) provide the Secretary of State with a type approval report containing the information specified in section 12 of Merchant Shipping Notice MSN 1908 (M+F).

(3) Where a nominated body refuses type approval, it must notify the manufacturer, giving detailed reasons for its decision in writing.

Duration, suspension and withdrawal of BWMS Type Approval Certificates

19.—(1) A BWMS Type Approval Certificate issued by a nominated body is valid for such period, and subject to such conditions, as is specified in the Certificate, not exceeding five years beginning with the date of issue of the Certificate.

(2) Where a nominated body knows or has reason to believe that equipment to which it has granted a BWMS Type Approval Certificate no longer complies with the requirements of section 12 of Merchant Shipping Notice MSN 1908 (M+F) it must—

- (a) require the manufacturer to take immediate corrective measures to ensure that the equipment complies with the requirements of section 12 of Merchant Shipping Notice MSN 1908 (M+F); and
- (b) where necessary, suspend or withdraw its approval for that equipment.

(3) A nominated body may by giving notice to the manufacturer restrict, suspend or withdraw a BWMS Type Approval Certificate where a manufacturer fails to take the corrective measures required under paragraph (2)(a).

(4) Before issuing a notice under paragraph (3), a nominated body must give the manufacturer an opportunity to make written representations.

(5) A notice under paragraph (3) must—

- (a) be in writing;
- (b) specify the date on which it takes effect; and
- (c) specify the grounds for the decision.

(6) The nominated body must send a copy of any notice given under paragraph (3) to the Secretary of State.

Ballast water management systems which use active substances

- 20.—(1) The Secretary of State may prohibit the use of—
- (a) any ballast water management system which uses active substances; or
 - (b) any active substances used in ballast water management systems,
- on ships.
- (2) A prohibition under paragraph (1) must—
- (a) be published by the Secretary of State; and
 - (b) specify the date on which it takes effect.
- (3) The date on which the prohibition takes effect must not be less than 11 months after the publishing of the prohibition.
- (4) A prohibition must be complied with in accordance with this regulation.
- (5) The Secretary of State may withdraw or vary a prohibition.

Prototype ballast water management systems

- 21.—(1) The Secretary of State may approve programmes to test and evaluate prototype ballast water management systems.
- (2) Where—
- (a) a ship which is permitted to manage ballast water through exchange or treatment participates in a programme approved under paragraph (1); and
 - (b) the prototype ballast water management system is operated consistently and as designed,
- the requirement in regulation 5 (requirement to conduct ballast water management) to conduct ballast water management through treatment does not apply to the ship until five years after the date on which it would otherwise would.
- (3) A ship to which paragraph (2) applies is not required to manage ballast water through exchange.
- (4) Where—
- (a) a ship which is permitted to manage ballast water only through treatment participates in a programme approved under paragraph (1); and
 - (b) the prototype ballast water management system—
 - (i) has the potential to process ballast water such that it exceeds the minimum standard in regulation 13 (ballast water and sediment treatment standard); and
 - (ii) is operated consistently and as designed,
- the requirement in regulation 5 (requirement to conduct ballast water management) to conduct ballast water management through treatment does not apply to the ship until five years after the date of installation of the prototype on the ship.
- (5) Regulation 16 (approval of ballast water management systems) does not apply to a prototype ballast water management system being tested and evaluated on a programme approved under paragraph (1).
- (6) An approval under paragraph (1) is valid only if given in writing, and may be—
- (a) given subject to such conditions and limitations as the Secretary of State may specify; and
 - (b) altered or cancelled by a notice given in writing by the Secretary of State.