
STATUTORY INSTRUMENTS

2022 No. 737

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

PART 6

Survey and certification of ships

Procedure to be adopted when a ship is deficient

35.—(1) This regulation applies where a surveyor determines that a ship's ballast water management—

- (a) does not conform to the particulars of the IBWM Certificate, if any, issued in respect of that ship; or
 - (b) is such that the ship is not fit to proceed to sea without presenting a threat of harm to the environment, human health, property or resources.
- (2) In the circumstances described in paragraph (1) the surveyor must immediately—
- (a) advise the owner or the master of the corrective action which, in the opinion of the surveyor, is required within a specific timeframe; and
 - (b) where the ship has a valid IBWM Certificate, notify the Certifying Authority that issued the Certificate that the owner or the master has been so advised.
- (3) Where—
- (a) an IBWM Certificate has been issued in respect of a United Kingdom ship and is still valid; and
 - (b) the corrective action advised in accordance with paragraph (2)(a) is not taken within the time specified by the surveyor,

the Certifying Authority must suspend the validity of that Certificate until that corrective action has been taken.

(4) Where a Certifying Authority suspends the validity of the IBWM Certificate issued in respect of a ship it must immediately give notice of such suspension—

- (a) to the owner of the ship; and
- (b) where the ship is in a port outside the United Kingdom, to the appropriate maritime authorities of the country in which the port is situated.

(5) Where the owner of the ship is given notice of the suspension, that owner must notify the master of the ship of the suspension.

- (6) In the application of paragraphs (1) and (2) to a ship which is not a United Kingdom ship—
- (a) “the Certifying Authority” means the appropriate maritime authorities of the ship's flag State or a diplomatic representative of that State; and
 - (b) “surveyor” includes a person authorised by that flag State to survey the ship.