
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement the Council Directive 95/21/EC concerning the enforcement, in respect of shipping using community ports and sailing in the waters under the jurisdiction of the member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions (port State control). The Regulations also contain, in Parts II and III, related provisions, not in implementation of the Directive, giving rights of appeal and compensation in respect of detained ships, and allowing inspection of operational requirements.

Part 1 applies to ships which are not British ships calling at, or anchored off, UK ports and offshore installations (regulation 3). It provides for the Marine Safety Agency to inspect at least 25% of such ships entering its ports in a year, to check the certificates required by a number of Conventions concerning ship safety and marine pollution (regulations 5 and 6.)

Where there are clear grounds, by reason of non-compliance with the Conventions or the nature or type of ship, a more detailed inspection is to be carried out. In the case of passenger ships operating on a regular service to or from the United Kingdom, an expanded inspection is to be carried out annually by the Marine Safety Agency, subject to consultation with the Administration of other port states on the service (regulation 7.) Other specified types of ship are also subject to expanded inspections.

Powers of inspection and detention in the Merchant Shipping Act 1995 and statutory instruments under it, can be used in the circumstances required by the Directive (regulations 3(5) and (6) and 9.)

Rights of appeal and compensation in connection with such detentions are provided (regulation 10 to 12.)

There are provisions for follow up to inspections and detentions, qualifications of inspectors, duties of pilots and port authorities to make reports, publication of the detention information, fees and offences (regulations 13—18.)

In Part II, rights of appeal and compensation in respect of detained ships in Part I are applied in respect of detention of any ship (including a British ship) which is detained by virtue of powers in Merchant Shipping legislation. This, for ships to which the Safety of Life at Sea Convention 1974 (SOLAS) applies, implements regulation 19(f) of Chapter I of the Annex to the Convention.

Part III implements the new Chapter XI of SOLAS adopted by the Conference of Contracting Governments to SOLAS 74 by Resolution 1 on 24 May 1994. This allows inspection of the familiarity of the crew with essential procedures and operations relating to the safety of the ship (as an addition to existing powers to inspect ships, their equipment and documents.)

Merchant Shipping Notices referred to in the Regulations may be obtained from the Marine Safety Agency, Spring Place, 105 Commercial Road, Southampton, SO15 1EG.

The Safety of Life at Sea Convention 1974, and amendments, and other Conventions referred to in regulation 2(1) can be obtained from the International Maritime Organization, 4 Albert Embankment, London SE1, except the Merchant Shipping (Minimum Standards) Convention (ILO No. 147) (Cmnd. 7163).