
STATUTORY INSTRUMENTS

2018 No. 68

The Merchant Shipping (Prevention of Pollution from Noxious Liquid Substances in Bulk) Regulations 2018

PART 2

Survey and Certification of NLS ships

Relevant requirements

8.—(1) In this Part of these Regulations the “relevant requirements” in respect of an NLS ship means the relevant requirements concerning structure, equipment, systems, fittings, arrangements and materials specified in paragraph (2) in relation to that ship.

(2) The relevant requirements are—

- (a) as respects an NLS ship which is a chemical tanker constructed or adapted before 1st July 1986, as set out in—
 - (i) regulation 12.1, 12.5 to 12.11 and Appendix 5 to Annex II; and
 - (ii) Chapters II and III of the BCH Code;
- (b) as respects an NLS ship which is a chemical tanker constructed or adapted on or after 1st July 1986 and before 1st January 2007, as set out in—
 - (i) regulation 12.2, 12.5 to 12.11 and Appendix 5 to Annex II; and
 - (ii) Chapters 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of the IBC Code;
- (c) as respects an NLS ship which is a chemical tanker constructed or adapted on or after 1st January 2007, as set out in—
 - (i) regulation 12.3, 12.5, 12.6 and 12.8 to 12.11 and Appendix 5 to Annex II; and
 - (ii) Chapters 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of the IBC Code;
- (d) as respects an NLS ship which is a gas carrier, as set out in Regulation 5.3 of Annex II;
- (e) as respects an NLS ship which is an offshore support vessel to which the OSV Guidelines apply, as set out in—
 - (i) regulation 12.1 (if the vessel is constructed or adapted before 1st July 1986), regulation 12.2 (if the vessel is constructed or adapted on or after 1st July 1986 and before 1st January 2007) or regulation 12.3 (if the vessel is constructed or adapted on or after 1st January 2007) of Annex II;
 - (ii) Appendix 5 to Annex II; and
 - (iii) Chapters 2, 3, 4, 5 and 7 of the OSV Guidelines; and
- (f) as respects any other NLS ship, as set out in—
 - (i) regulation 12.1 (if the ship is constructed or adapted before 1st July 1986), regulation 12.2 (if the ship is constructed or adapted on or after 1st July 1986 and

before 1st January 2007) or regulation 12.3 (if the ship is constructed or adapted on or after 1st January 2007) of Annex II; and

(ii) Appendix 5 to Annex II.

(3) For the purposes of these Regulations a fitting, material, appliance or apparatus fitted to an NLS ship as an alternative to any of the requirements listed in paragraph (2) meets the relevant requirements providing it has been approved in accordance with the procedure specified in regulation 7.

Initial surveys of United Kingdom NLS ships

9.—(1) A United Kingdom NLS ship must not—

- (a) be put into service; or
- (b) (if it is already in service) be enabled to continue in service,

unless the requirements in paragraph (2) are met.

(2) The requirements are that—

- (a) a relevant initial survey has been carried out in respect of the ship;
- (b) at the date of the survey the surveyor is satisfied that—
 - (i) the structure, equipment, systems, fittings, arrangements and materials comply with the relevant requirements;
 - (ii) there is on board the ship an approved Procedures and Arrangements Manual and Cargo Record Book; and
 - (iii) in the case of an NLS ship of 150 gross tonnage or more, there is on board an approved Marine Pollution Emergency Plan or an approved Shipboard Marine Pollution Emergency Plan; and
- (c) a relevant NLS certificate has been issued in respect of the ship which is still valid.

Renewal surveys of United Kingdom NLS ships

10.—(1) A United Kingdom NLS ship must not be enabled to—

- (a) proceed to sea; or
- (b) (if it is already at sea) remain at sea,

after the date of expiry of a relevant NLS certificate issued in respect of that ship unless the requirements in paragraph (2) are met.

(2) The requirements are that—

- (a) a relevant renewal survey has been carried out in respect of the ship;
- (b) at the date of the survey the surveyor is satisfied that—
 - (i) the structure, equipment, systems, fittings, arrangements and materials comply with the relevant requirements;
 - (ii) there is on board the ship an approved Procedures and Arrangements Manual and Cargo Record Book; and
 - (iii) in the case of an NLS ship of 150 gross tonnage or more, there is on board an approved Marine Pollution Emergency Plan or an approved Shipboard Marine Pollution Emergency Plan; and
- (c) a new relevant NLS certificate has been issued in respect of the ship following the relevant renewal survey which is still valid.

Annual surveys of United Kingdom NLS ships

11.—(1) A United Kingdom NLS ship must not be enabled to—

- (a) proceed to sea; or
- (b) (if it is already at sea) remain at sea,

after the end of any annual survey period for that ship unless the requirements in paragraph (2) are met.

(2) The requirements are that—

- (a) a relevant annual survey has been carried out in respect of the ship;
- (b) at the date of the survey the surveyor is satisfied that—
 - (i) the structure, equipment, systems, fittings, arrangements and materials comply with the relevant requirements;
 - (ii) there is on board the ship an approved Procedures and Arrangements Manual and Cargo Record Book; and
 - (iii) in the case of an NLS ship of 150 gross tonnage or more, there is on board an approved Marine Pollution Emergency Plan or an approved Shipboard Marine Pollution Emergency Plan; and
- (c) the surveyor has endorsed the relevant NLS certificate in respect of the ship.

Intermediate surveys of United Kingdom NLS ships

12.—(1) A United Kingdom NLS ship must not be enabled to—

- (a) proceed to sea; or
- (b) (if it is already at sea) remain at sea,

after the third anniversary date in respect of that ship unless the requirements in paragraph (2) are met.

(2) The requirements are that—

- (a) a relevant intermediate survey has been carried out in respect of the ship during the intermediate survey period;
- (b) at the date of the survey the surveyor is satisfied that—
 - (i) the structure, equipment, systems, fittings, arrangements and materials comply with the relevant requirements;
 - (ii) there is on board the ship an approved Procedures and Arrangements Manual and Cargo Record Book; and
 - (iii) in the case of an NLS ship of 150 gross tonnage or more, there is on board an approved Marine Pollution Emergency Plan or an approved Shipboard Marine Pollution Emergency Plan; and
- (c) the surveyor has endorsed the relevant NLS certificate in respect of the ship.

Responsibilities of the owner and master of an NLS ship

13.—(1) The owner and the master of an NLS ship must ensure that the condition of the ship and its equipment are maintained to conform with the relevant requirements which apply to the ship, so as to ensure that the ship in all respects remains fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment (including to waters within the seaward limits of the territorial waters of the United Kingdom).

(2) The owner and the master of an NLS ship must ensure that, after any survey of the ship required by these Regulations has been completed, no change, except by way of direct replacement, is made to the structure, equipment, systems, fittings, arrangements and materials of the ship covered by the survey without the approval of either—

- (a) the Certifying Authority who appointed the surveyor to carry out the survey; or
- (b) the Secretary of State, where the relevant survey was carried out and the relevant NLS certificate was issued by a Contracting State other than the United Kingdom following a request made by the Secretary of State pursuant to regulation 16,

as the case may be.

(3) Whenever—

- (a) an accident occurs to an NLS ship; or
- (b) a defect is discovered in an NLS ship,

which substantially affects the integrity of the ship or the efficiency or completeness of the equipment of the ship as required under these Regulations, the owner and the master of the ship must comply with the requirements of paragraph (4).

(4) The requirements are that—

- (a) the accident or defect is reported at the earliest opportunity to the Certifying Authority that issued the relevant NLS certificate in respect of the ship; and
- (b) in the case of a ship in a port outside the United Kingdom the accident or the defect is immediately reported to the appropriate maritime authorities in the country in which the port is situated.

(5) Whenever an accident or defect is reported to a Certifying Authority in accordance with paragraph (4)(a), the Certifying Authority—

- (a) must cause an investigation to be initiated to determine whether or not an additional survey and any repair is necessary; and
- (b) must, if it considers that an additional survey or repair is necessary, cause that survey or repair to be carried out.

(6) Whenever an accident or defect is reported to a Certifying Authority in accordance with paragraph (4)(a) and the ship in question is in a port outside the United Kingdom, the Certifying Authority must take all appropriate steps to ascertain that the requirement in paragraph (4)(b) has been complied with.

(7) In paragraph (2) “direct replacement” means the direct replacement of equipment and fittings with equipment and fittings that conform with the relevant requirements which apply to that ship.

Additional surveys of United Kingdom NLS ships

14.—(1) This regulation applies to a United Kingdom NLS ship where—

- (a) a repair resulting from an investigation referred to in regulation 13(5) has been made to the ship; or
- (b) an important repair or renewal has been made to the ship.

(2) A ship to which this regulation applies must not be enabled to—

- (a) proceed to sea; or
- (b) (if it is already at sea) remain at sea,

unless the requirements in paragraph (3) are met.

(3) The requirements are that—

- (a) a relevant additional survey has been carried out in respect of the ship;
 - (b) at the date of the survey the surveyor is satisfied that—
 - (i) the repair or renewal has been made effectively;
 - (ii) the materials used in, and the workmanship of, the repair or renewal are satisfactory in all respects; and
 - (iii) the ship complies in all respects with the requirements of these Regulations; and
 - (c) the surveyor has issued a report expressing the satisfaction required by sub-paragraph (b).
- (4) For the purposes of paragraph (1)(b) an important repair or renewal is a repair or renewal which is required to be effected in order to—
- (a) address a defect which substantially affects the integrity of the ship or the efficiency or completeness of the equipment of the ship; or
 - (b) ensure compliance with the requirements of Annex II.
- (5) In the case of a dispute as to whether a repair or renewal effected or intended to be effected in respect of a ship is an important repair or renewal for the purposes of paragraph (1)(b), the owner or master of a ship may serve a written request upon the Secretary of State seeking advice.
- (6) A repair or renewal is to be regarded as not being an important repair or renewal for those purposes unless the Secretary of State advises to the contrary within 21 days of receipt of a request under paragraph (5).

Certification of United Kingdom NLS ships by UK authorities

- 15.—**(1) A Certifying Authority must issue a relevant NLS certificate in respect of a United Kingdom NLS ship where—
- (a) that Authority has been notified by a surveyor that the surveyor has carried out a relevant initial or renewal survey;
 - (b) the notification described in paragraph (a) includes confirmation that, at the date of that survey, the surveyor is satisfied that the ship complies with the relevant requirements which apply to that ship; and
 - (c) any fee due under the Merchant Shipping (Fees) Regulations 2006⁽¹⁾ has been paid to that Authority.
- (2) A Certifying Authority must issue a relevant NLS certificate in respect of a ship which becomes a United Kingdom NLS ship on transfer from the flag of another Contracting State where—
- (a) a certificate which satisfies the requirements of Annex II has been issued by a Contracting State other than the UK in respect of the ship;
 - (b) the certificate described in paragraph (a) was valid immediately before the transfer;
 - (c) the Certifying Authority has caused a survey to be carried out in respect of the ship; and
 - (d) the Certifying Authority is satisfied that—
 - (i) the condition of the ship and its structure, equipment, systems, fittings, arrangements and materials is such that it is fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment; and
 - (ii) no change, other than a change referred to in paragraph (3), has been made to the structure of the ship or its equipment, systems, fittings, arrangements or materials covered by the last survey carried out in accordance with the requirements of Annex II without the approval of the Contracting State in question.

(1) [S.I. 2006/2055](#), to which there are amendments not relevant to these Regulations.

(3) The changes referred to in paragraph (2)(d)(ii) are the direct replacement of equipment and fittings with equipment and fittings that conform with the relevant requirements.

Survey and certification of United Kingdom NLS ships by other Contracting States

16.—(1) The Secretary of State may request a Contracting State other than the United Kingdom to carry out a relevant survey of a United Kingdom NLS ship.

(2) If a Contracting State which has received a request under paragraph (1) is satisfied that the relevant requirements as notified by the Secretary of State have been complied with in respect of that ship, that State must—

- (a) issue or authorise the issue of a relevant NLS certificate in respect of that ship; or
- (b) endorse, or authorise the endorsement of, an existing relevant certificate.

(3) Where a relevant NLS certificate is issued or endorsed in accordance with paragraph (2)—

- (a) the Secretary of State is to be treated as the Certifying Authority in relation to that NLS certificate; and
- (b) any reference in these Regulations to the Certifying Authority that issued a certificate is, in the case of a certificate to which this regulation applies, to be treated as a reference to the Secretary of State.

Survey and certification of non-United Kingdom NLS ships by the Secretary of State

17.—(1) The Secretary of State, when requested to do so by a Contracting State other than the United Kingdom, may cause a survey to be carried out in respect of an NLS ship which is not a United Kingdom ship.

(2) If a survey described in paragraph (1) has been carried out and the Secretary of State is satisfied that the relevant requirements are complied with the Secretary of State must, subject to the payment of any fee due under the Merchant Shipping (Fees) Regulations 2006—

- (a) in the case of a ship for which there is no NLS certificate, issue a new certificate; or
- (b) in the case of a ship for which there is an existing NLS certificate, endorse that certificate.

(3) A certificate issued or endorsed under paragraph (2)—

- (a) must be in the form appropriate to that ship as prescribed in Annex II;
- (b) must contain a statement that it has been so issued or endorsed; and
- (c) has the same effect as if it had been issued or endorsed by the Contracting State who made the request referred to in paragraph (1).

(4) The Secretary of State must, as soon as possible after completion of a survey carried out under paragraph (1), send to the Contracting State who made the request a copy of—

- (a) the report of that survey; and
- (b) any certificate issued or endorsed under paragraph (2).

(5) The Secretary of State must not issue or endorse a certificate in respect of a ship which—

- (a) is registered in a country which is not a Contracting State; or
- (b) is not so registered, but is entitled to fly the flag of a country which is not a Contracting State.

Duration and validity of NLS certificates

18.—(1) Subject to the following paragraphs and to regulations 20(3) and 23(1), a relevant NLS certificate issued in respect of a United Kingdom NLS ship is valid for such period as is specified in

the certificate, not exceeding five years beginning with the date of completion of the relevant initial or renewal survey which immediately preceded the issue of the certificate.

(2) Subject to paragraph (3) and regulation 19(9), where a relevant NLS renewal survey of a United Kingdom NLS ship is completed—

- (a) within the final three month period; or
- (b) after the expiry of the latest relevant NLS certificate,

the new relevant NLS renewal certificate issued following completion of the relevant NLS renewal survey is valid for such period as is specified in that certificate, beginning with the date of the completion of the relevant NLS renewal survey and ending with a date not exceeding five years from the date of expiry of the previous relevant NLS certificate.

(3) A relevant NLS certificate issued in respect of a United Kingdom NLS ship ceases to be valid—

- (a) if the ship is transferred to the flag of another State;
- (b) if the ship is enabled to proceed to sea when—
 - (i) an important repair or renewal has been made to the ship; but
 - (ii) the requirements of regulation 14(3) have not been complied with;
- (c) if a survey under regulations 9, 10, 11 or 12 is not completed in accordance with the requirements of these Regulations;
- (d) if the relevant NLS certificate is not endorsed in accordance with the requirements of these Regulations;
- (e) upon a new relevant NLS certificate being issued in respect of that ship; or
- (f) upon the date of expiry of the certificate.

(4) Where a United Kingdom NLS ship is transferred to the flag of another Contracting State, and within three months after the date of transfer the Government of that State so requests, the Secretary of State must send that Government a copy of—

- (a) the relevant NLS certificate issued in respect of that ship; and
- (b) any current relevant survey report, if available, in respect of that ship.

(5) In this regulation any dispute as to whether a repair or renewal is an important repair or renewal is subject to the procedure prescribed in regulation 14(5) and (6), and—

“final three month period” means the period of three months ending on the date of expiry of the certificate in question; and

“important repair or renewal” has the meaning given in regulation 14(4).

Extension of periods of validity of NLS certificates

19.—(1) Where the period of validity of a relevant NLS certificate issued in respect of a United Kingdom NLS ship is less than five years, the Certifying Authority that issued the certificate may extend its period of validity to a maximum period of five years provided that any survey required under regulation 11 or 12 has been carried out.

(2) Where—

- (a) a relevant renewal survey has been completed by a surveyor; but
- (b) a new relevant NLS certificate in respect of that renewal survey cannot be issued or placed on board the ship before the date on which the existing relevant NLS certificate is due to expire,

the surveyor may endorse the existing relevant NLS certificate.

(3) Where a relevant NLS certificate has been endorsed under paragraph (2), that certificate is valid for such further period as is specified in the certificate, not exceeding five months beginning with the original date of expiry of the certificate.

(4) Where—

(a) a relevant survey in respect of a United Kingdom NLS ship has not been completed before the date on which a relevant NLS certificate expires; and

(b) at the date of expiry the ship is not in the port in which the survey is to be carried out,

the Certifying Authority that issued the relevant NLS certificate may extend the period of validity of that certificate for a period not exceeding three months, if it appears to the Certifying Authority that it is proper and reasonable to do so solely for the purpose of enabling that ship to proceed to the port in which the survey is to be carried out.

(5) Where the period of validity of a relevant NLS certificate has been extended under paragraph (4), the ship in question must not be enabled to leave the port of survey until a new relevant NLS certificate has been issued in respect of that ship.

(6) Subject to paragraph (7), the Certifying Authority that issued a relevant NLS certificate in respect of a United Kingdom NLS ship engaged solely on short voyages may extend the period of validity of that certificate for a period not exceeding one month.

(7) A Certifying Authority must not extend the period of validity of a relevant NLS certificate under paragraph (6) if the period of validity of that certificate has already been extended under paragraph (1), (3), (4) or (6).

(8) Subject to paragraph (9) and to regulations 20(3) and 23(1), where a relevant renewal survey has been completed and a new relevant NLS certificate has been issued in respect of a ship referred to in paragraph (4) or (6), the new relevant NLS certificate is valid for such period as is specified in the certificate, not exceeding five years beginning with the original date of expiry of the previous relevant NLS certificate.

(9) In the circumstances described in paragraph (10) the period of validity of a new relevant NLS certificate which is—

(a) issued in respect of a ship referred to in paragraph (4) or (6); or

(b) issued in respect of a ship referred to in regulation 18(2)(b) after the date of expiry of a relevant NLS certificate,

is such period as is specified in the new certificate, not exceeding five years beginning with the date of the completion of the relevant renewal survey in question.

(10) The circumstances are where the owner of the ship—

(a) submits a request to the Certifying Authority for the new period of certification to begin on the date of the completion of the relevant renewal survey;

(b) satisfies the Certifying Authority that the owner is justified in making such a request; and

(c) complies with any reasonable additional survey requirements which the Certifying Authority may impose.

(11) Where the period of validity of a relevant NLS certificate is extended under paragraph (1), (4) or (6), or an endorsement is to be made pursuant to paragraph (2), the Certifying Authority in question must endorse the relevant NLS certificate.

(12) Where—

(a) a relevant annual survey is completed under regulation 11 before the beginning of the annual survey period; or

(b) a relevant intermediate survey is completed under regulation 12 before the beginning of the intermediate survey period,

the anniversary date shown on the relevant NLS certificate must be amended by an endorsement on the relevant NLS certificate by the surveyor undertaking the relevant survey to a date which is not more than three months later than the date on which the survey referred to in sub-paragraph (a) or (b) was completed.

(13) Where the anniversary date on a relevant NLS certificate is amended in accordance with paragraph (12) any subsequent relevant annual or intermediate survey must be completed at the intervals prescribed by these Regulations using the new anniversary date.

(14) Where—

- (a) a relevant annual survey is completed under regulation 11 before the beginning of the annual survey period; or
- (b) a relevant intermediate survey is completed under regulation 12 before the beginning of the intermediate survey period,

the date of expiry of the relevant NLS certificate may remain unchanged provided that any surveys required by regulation 11 or 12 are carried out, and endorsed on the relevant NLS certificate by the surveyor, so that the maximum intervals between the surveys as required by these Regulations are not exceeded.

(15) In this regulation—

“short voyage” means a voyage which—

- (a) does not exceed 1,000 nautical miles between the last port of call in the country in which the voyage begins and the last port of call in the voyage before beginning any return voyage; and
- (b) on any return voyage does not exceed 1,000 nautical miles between the port of call in which the ship begins its return voyage and the first port of call in the country in which the voyage began,

and, for the purposes of this definition, no account is to be taken of any deviation by a ship from its intended voyage due solely to stress of weather or any other circumstances that neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled; and

“the original date of expiry” means the date on which a relevant NLS certificate would have expired but for any extension of its period of validity.

Procedure to be adopted when a ship is deficient

20.—(1) This regulation applies to an NLS ship where a surveyor determines that—

- (a) the condition of the ship or its equipment does not correspond substantially with the particulars of the relevant NLS certificate (if any) issued in respect of the ship; or
- (b) a ship is not fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment.

(2) In the circumstances described in paragraph (1) the surveyor must—

- (a) immediately advise the owner or master of the corrective action which, in the opinion of the surveyor, is required; and
- (b) where the ship has a valid relevant NLS certificate, notify the Certifying Authority that issued the relevant NLS certificate as respects that ship that the owner or master has been so advised.

(3) The Certifying Authority must suspend the validity of any relevant NLS certificate if the corrective action advised in accordance with paragraph (2)(a) is not taken within the time specified by the surveyor.

(4) Where a Certifying Authority suspends the validity of the relevant NLS 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 suspension, that owner must notify the master of the ship in question of the suspension.

Prohibition on non-United Kingdom NLS ships proceeding to sea

21. An NLS ship other than a United Kingdom NLS ship must not be enabled to proceed to sea from a port in the United Kingdom unless—

- (a) a Contracting State has issued, and where appropriate endorsed, a relevant NLS certificate in respect of that ship and that certificate (and, where appropriate, that endorsement) is still valid;
- (b) the Government of a State which is not a Contracting State has issued, and where appropriate endorsed, a certificate in respect of that ship which is deemed by the Certifying Authority to have the same force as a certificate issued in accordance with the requirements of Annex II and that certificate (and, where appropriate, that endorsement) is still valid;
- (c) a surveyor of ships—
 - (i) has carried out a survey of the ship as if regulation 9 applied to that ship; and
 - (ii) is satisfied that the ship can proceed to sea without presenting an unreasonable threat of harm to the marine environment; or
- (d) a person having power to detain the ship—
 - (i) is satisfied that the ship can proceed to sea for the purpose of proceeding to the nearest appropriate repair yard available without presenting an unreasonable threat of harm to the marine environment; and
 - (ii) has permitted the ship to so proceed.

Arbitration

22.—(1) If an applicant is dissatisfied for any reason with the outcome of a relevant survey carried out in respect of a United Kingdom NLS ship, the applicant may serve a written notice on the responsible person within 21 days 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 an 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) a party, after giving written notice to the other party; or
- (b) the parties jointly,

but this paragraph does not apply in 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 gross tonnage or more, in accordance with Regulation II/2 of Chapter 2 of the Annex to the STCW Convention; or
 - (ii) a chief engineer officer or second engineer officer on a seagoing ship powered by main propulsion machinery of 3,000kW propulsion power or more, in accordance with Regulation III/2 of Chapter 3 of the Annex to the STCW Convention;
 - (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 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 (2) 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 M1613(2) apply unless alternative procedures are agreed between the applicant and the responsible person before the commencement of arbitration proceedings.
- (8) In this regulation—
- “applicant” means a person who makes an application for a survey required by these Regulations;
- “qualified person” means—
- (a) a person who satisfies the judicial-appointment eligibility condition defined in section 50 of the Tribunals, Courts and Enforcement Act 2007(3) on a seven-year basis;
 - (b) a person who is an advocate or solicitor in Scotland of at least seven years’ standing; or
 - (c) 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;
- “responsible person” means—
- (a) the Certifying Authority responsible under regulation 15 or 16 for the issue of the relevant NLS certificate in connection with which a survey required by these Regulations is carried out; or
 - (b) in the case of a dispute relating to a relevant additional survey required by regulation 14, the Certifying Authority which issued the relevant NLS certificate in respect of the ship;
- “the STCW Convention” means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, as amended(4), and any reference to a

(2) MSN 1613 Merchant Shipping (Survey and Certification) Regulations 1995: Arbitration Procedure, published by the MCA on 1st June 1995.

(3) 2007 c. 15.

(4) Cmnd 9266. The Command Paper is available electronically at <http://treaties.fco.gov.uk/docs/pdf/1984/TS0050.pdf>. Hard copies of the Command Papers are available for inspection free of charge but by appointment at the Parliamentary Archives, Houses of Parliament, London, SW1A 0PW. Following a review of the Convention amendments were adopted by a Conference of Parties to the STCW Convention in Manila from 21st to 25th June 2010 and a consolidated text produced. This 2011

Regulation in a numbered Chapter of the Annex to the STCW Convention is a reference to a Regulation contained in the numbered Chapter in Attachment 1 to the Final Act of the 2010 Manila Conference of Parties to the STCW Convention.

Miscellaneous provisions relating to NLS certificates

23.—(1) The Secretary of State may cancel a relevant NLS certificate issued in respect of a United Kingdom NLS ship where the Secretary of State has reason to believe that—

- (a) the certificate was issued on false or erroneous information; or
- (b) since the completion of any survey required by these Regulations, the equipment or machinery of the ship has sustained damage or is otherwise deficient.

(2) The Secretary of State may require that a relevant NLS certificate issued in respect of a United Kingdom NLS ship and which has expired, or been cancelled, is to be surrendered.

(3) In relation to a United Kingdom NLS ship, a person must not—

- (a) intentionally alter a relevant NLS certificate;
- (b) intentionally make a false relevant NLS certificate;
- (c) knowingly or recklessly provide false information in connection with a survey required under these Regulations;
- (d) with intent to deceive use, lend, or allow to be used by another, a relevant NLS certificate;
- (e) fail to surrender a relevant NLS certificate where required to do so under paragraph (2); or
- (f) in Scotland, forge a relevant certificate.

(4) The owner and the master of a United Kingdom NLS ship, in respect of which a relevant NLS certificate has been issued, must ensure that the certificate is readily available on board the ship for inspection at all times.