
STATUTORY INSTRUMENTS

2020 No. 620

**The Merchant Shipping (Prevention of Pollution
by Sewage from Ships) Regulations 2020**

PART 4

Survey and Certification of Ships

Interpretation of Part 4

10. In this Part—

- (a) “initial survey” means a survey by a surveyor completed before a ship is put into service, or before a Sewage Certificate is first issued in respect of that ship, to verify that at the date of the survey, the surveyor is satisfied that the structure, equipment, systems, fittings, arrangements and materials of the ship fully comply with the requirements of Part 3 (equipment);
- (b) “renewal survey” means a survey by a surveyor to verify that at the date of the survey, the surveyor is satisfied that the structure, equipment, systems, fittings, arrangements and materials of the ship fully comply with the requirements of Part 3 (equipment); and
- (c) “additional survey” means a survey by a surveyor to verify that 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 Part 3 (equipment).

Prohibition on United Kingdom ships proceeding to sea without a Sewage Certificate

11.—(1) Subject to regulation 26(2) (general provisions on detention), a United Kingdom ship to which this regulation applies must not—

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

unless the requirements of paragraph (2) are met.

(2) The requirements are that—

- (a) an initial survey or a renewal survey has been carried out in respect of the ship; and
- (b) a Sewage Certificate has been issued in respect of that ship and is still valid.

Prohibition on non-United Kingdom ships proceeding to sea without a Sewage Certificate or appropriate documentation

12.—(1) A Contracting State ship must not proceed to sea from a port in the United Kingdom unless—

- (a) a Sewage Certificate has been issued pursuant to Annex IV in respect of that ship and is still valid;
- (b) a surveyor is satisfied that the ship can proceed to sea without presenting an unreasonable threat of harm to the marine environment; or
- (c) a person having powers to detain the ship has permitted the ship to proceed to sea for the purposes of proceeding to the nearest appropriate repair yard available.

(2) A ship which is not a United Kingdom ship or a Contracting State ship must not proceed to sea from a port in the United Kingdom unless—

- (a) a surveyor is satisfied that the ship can proceed to sea without presenting an unreasonable threat of harm to the marine environment; or
- (b) a person having powers to detain the ship has permitted the ship to proceed to sea for the purposes of proceeding to the nearest appropriate repair yard available.

(3) A ship to which sub-paragraph (1)(b) or (c) or paragraph (2) applies must not proceed to sea unless documentation has been issued in respect of that ship which is still valid and shows that—

- (a) an initial survey or a renewal survey has been carried out in respect of the ship; and
- (b) either—
 - (i) a surveyor is satisfied that the ship can proceed to sea without presenting an unreasonable threat of harm to the marine environment; or
 - (ii) a person having powers to detain the ship has permitted the ship to proceed to sea for the purposes of proceeding to the nearest appropriate repair yard available.

Surveys of United Kingdom ships

13. A United Kingdom ship to which this regulation applies must be subjected to—

- (a) an initial survey, which must be completed before a ship is put into service or before a Sewage Certificate is first issued in respect of that ship; and
- (b) a renewal survey, which must be completed before each subsequent Sewage Certificate is issued.

Issue of Sewage Certificates by a Certifying Authority in respect of United Kingdom ships

14.—(1) A Certifying Authority must issue a Sewage Certificate in respect of a United Kingdom ship where—

- (a) that Certifying Authority has been notified by a surveyor that the surveyor has carried out an initial survey or a renewal survey;
- (b) the notification described in paragraph (a) includes confirmation that, at the date of that survey, the surveyor is satisfied that the structure, equipment, systems, fittings, arrangements and materials of the ship fully comply with the requirements of Part 3 (equipment); and
- (c) any fee due under the Merchant Shipping (Fees) Regulations 2018⁽¹⁾ has been paid to that Authority.

(1) [S.I. 2018/1104](#), to which there are amendments not relevant to these Regulations.

(2) Where a ship becomes a United Kingdom ship on transfer from the flag of a Contracting State other than the United Kingdom, a Certifying Authority must issue a Sewage Certificate in respect of that ship where—

- (a) a Sewage Certificate has been issued in respect of the ship and was still valid immediately before the date of the transfer;
- (b) the Certifying Authority has caused a survey to be carried out in respect of the ship; and
- (c) the Certifying Authority is satisfied that—
 - (i) the condition of the ship and its equipment is maintained to conform with the provisions of Annex IV, so as to ensure that the ship is fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment; and
 - (ii) no change, other than the direct replacement of equipment and fittings, has been made to the structure, equipment, systems, fittings, arrangements or materials of the ship covered by the last survey carried out under regulation 4.1 of Annex IV (surveys) without the approval of the Contracting State in question.

(3) A Sewage Certificate issued under this regulation must be in English.

Issue of Sewage Certificates by another Contracting State in respect of United Kingdom ships

15.—(1) The Secretary of State may request a Contracting State to survey a United Kingdom ship and, if the Contracting State is satisfied that the ship complies with the requirements of the Convention, to issue, or authorise the issue of, a Sewage Certificate in respect of that ship.

(2) Where a Sewage Certificate is issued pursuant to paragraph (1)—

- (a) the Secretary of State is to be treated as the Certifying Authority in relation to it; and
- (b) any reference in these Regulations to the Certifying Authority who issued the Certificate is to be treated as a reference to the Secretary of State.

Issue of Sewage Certificates in respect of non-United Kingdom ships

16.—(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 a Contracting State ship.

(2) The Secretary of State must issue a Sewage Certificate for a ship for which a survey described in paragraph (1) has been carried out, if—

- (a) the Secretary of State is satisfied that the requirements of Annex IV are complied with; and
- (b) any fee due under the Merchant Shipping (Fees) Regulations 2018 has been paid.

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

- (a) the Sewage Certificate issued pursuant to that paragraph; and
- (b) the report of the survey.

Duration and validity of Sewage Certificates

17.—(1) A Sewage Certificate issued in respect of a United Kingdom ship is valid from the date of completion of the initial or renewal survey which immediately preceded the issue of that Certificate.

(2) Subject to paragraphs (4) to (6) and regulations 18 (extension of periods of validity of Sewage Certificates by a Certifying Authority) and 19 (extension of periods of validity of Sewage Certificates by a surveyor) and 22(3) (procedure to be adopted when a ship is deficient), a Sewage Certificate

which is issued in respect of a United Kingdom ship is valid for such period as is specified in the certificate, not exceeding five years, beginning with—

- (a) the date specified in paragraph (1);
- (b) the date of expiry of the previous Sewage Certificate, where the renewal survey is completed—
 - (i) within three months before the expiry of the Sewage Certificate; or
 - (ii) after the date of expiry of the latest Sewage Certificate; or
- (c) the original date of expiry of the previous Sewage Certificate, where a new Sewage Certificate has been issued in respect of a ship referred to in regulation 18(1)(b) or regulation 18(3).

(3) Paragraph (4) applies where, following a renewal survey, a Sewage Certificate is issued in respect of—

- (a) a ship to which paragraph (2)(b)(ii) applies; or
- (b) a ship referred to in regulation 18(1)(b) or (3).

(4) In the circumstances described in paragraph (5), the Secretary of State may direct a Certifying Authority that the new Sewage Certificate is to be valid for such period as is specified in the Certificate, not exceeding five years beginning with the date of completion of the renewal survey in question.

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

- (a) submits a request to the Secretary of State for a direction under paragraph (4);
- (b) satisfies the Secretary of State that the owner is justified in making such a request; and
- (c) complies with any reasonable additional survey requirements which the Secretary of State may impose.

(6) A Sewage Certificate issued in respect of a United Kingdom ship ceases to be valid—

- (a) upon the ship being transferred to the flag of another State;
- (b) if a survey under regulation 13 (surveys of United Kingdom ships) is not completed in accordance with the requirements of these Regulations;
- (c) upon the ship proceeding to sea when—
 - (i) regulation 21 (additional surveys of United Kingdom ships) applies to the ship; but
 - (ii) the requirements of regulation 21(3) have not been complied with;
- (d) upon a new Sewage Certificate being issued in respect of the ship;
- (e) upon the Sewage Certificate being cancelled by the Secretary of State under regulation 24(1) (miscellaneous provisions relating to Sewage Certificates); or
- (f) upon the date of expiry of the Sewage Certificate.

(7) In this regulation and in regulation 19 (extension of periods of validity of Sewage Certificates by a surveyor), “the original date of expiry” means the date on which the Sewage Certificate would have expired but for any extension of its period of validity.

(8) A Sewage Certificate issued or endorsed by a Certifying Authority under Part 2 (Sewage: Survey and Certification of Ships) of the Merchant Shipping (Prevention of Pollution by Sewage and Garbage from Ships) Regulations 2008, which is valid immediately before the day on which these Regulations come into force—

- (a) has effect on and after that date as if it were issued or endorsed under these Regulations; and

- (b) subject to the provisions of these Regulations, continues to be valid until the date of expiry of that Certificate.

Extension of periods of validity of Sewage Certificates by a Certifying Authority

18.—(1) The Certifying Authority that issued a Sewage Certificate in respect of a United Kingdom ship may extend the period of validity of that Certificate—

- (a) to a maximum period of five years provided that—
 - (i) the remaining period of validity for that Certificate prior to the extension is less than five years; and
 - (ii) any surveys required under regulation 13 (surveys of United Kingdom ships) have been carried out; and
- (b) for a period not exceeding three months if—
 - (i) a renewal survey has not been completed before the date of expiry of that Certificate;
 - (ii) at the date of expiry, the ship is not in the port in which the survey is to be carried out; and
 - (iii) it appears to the Certifying Authority that it is proper and reasonable to do so solely for the purpose of enabling the ship to proceed to the port in which the survey is to be carried out.

(2) Where the period of validity of a Sewage Certificate has been extended under paragraph (1) (b), the ship in question must not leave the port of survey until a new Sewage Certificate has been issued in respect of that ship.

(3) Subject to paragraph (4), the Certifying Authority who issued the Sewage Certificate in respect of a ship engaged solely on short voyages may extend the period of validity of that Sewage Certificate for a period not exceeding one month.

(4) A Certifying Authority must not extend the period of validity of a Sewage Certificate under paragraph (3), if the period of validity of that Sewage Certificate has already been extended under paragraph (1) or (3).

(5) Where the period of validity of a Sewage Certificate is extended under paragraph (1) or (3), the Certifying Authority in question must endorse the Sewage Certificate in accordance with the relevant form set out in the Appendix.

- (6) 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 State 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 State 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(2).

(2) The definition of “short voyage” derives from IMO Resolution A.1104(29). Resolutions of the IMO can be obtained from the IMO Library at 4 Albert Embankment, London SE1 7SR and from www.imo.org/en/MediaCentre/Pages/Default.aspx; email: media@imo.org; telephone: 020 7587 3134. They will also be made available via the Foreign and Commonwealth Office treaties database (<https://treaties.fco.gov.uk/responsive/app/consolidatedSearch/#home>).

Extension of periods of validity of Sewage Certificates by a surveyor

19.—(1) A surveyor may extend the period of validity of a Sewage Certificate issued in respect of as United Kingdom ship by endorsing that Certificate if—

- (a) a renewal survey has been completed by the surveyor;
- (b) the surveyor is satisfied that the structure, equipment, systems, fittings, arrangements and materials of the ship fully comply with the requirements of Part 3 (equipment); and
- (c) the new Sewage Certificate cannot be issued or placed on board the ship before the date on which the existing Sewage Certificate is due to expire.

(2) An endorsement issued pursuant to paragraph (1) must be in the relevant form set out in the Appendix.

(3) Where a Sewage Certificate has been endorsed under paragraph (1), 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.

Responsibilities of the owner and master of a United Kingdom ship

20.—(1) The owner and the master of a United Kingdom ship must ensure that the condition of the ship and its equipment are maintained to conform with the provisions of Part 3 (equipment), 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.

(2) The owner and the master of a United Kingdom ship must ensure that after any survey of the ship required by this Part has been completed, no change, except by way of direct replacement, is made to the structure, equipment, systems, fittings, arrangements or material of that ship without the approval of—

- (a) the Certifying Authority who appointed the surveyor to carry out the survey; or
- (b) the Secretary of State, where the Sewage Certificate was issued by a Contracting State other than the United Kingdom following a request made pursuant to regulation 15 (issue of a Sewage Certificate by another Contracting State in respect of United Kingdom ships),

as the case may be.

(3) Whenever—

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

which substantially affects the integrity of the ship or the efficiency or completeness of the equipment of the ship required under Part 3 (equipment), 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 Sewage Certificate in respect of the ship; and
- (b) in the case of a ship in a port outside of the United Kingdom, the accident or the defect, as is immediately reported to the appropriate maritime authorities in the State 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 must—

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

Additional surveys of United Kingdom ships

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

- (a) a repair resulting from an investigation referred to in regulation 20(5) (responsibilities of the owner and master of a United Kingdom ship) has been made to the ship; or
- (b) an important repair or renewal has been made to the ship which is required in order to—
 - (i) address a defect which substantially affects the integrity of the ship or the efficiency or completeness of the equipment of the ship; or
 - (ii) ensure compliance with the requirements of Annex IV.

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

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

unless an additional survey has been carried out and the surveyor has issued a survey report expressing the satisfaction required by regulation 10(c) (interpretation of Part 4).

(3) The requirements are that—

- (a) a survey has been carried out in respect of that 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 Part 3 (equipment); and
- (c) the surveyor has issued a survey report expressing the satisfaction required by subparagraph (b).

(4) 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 this regulation, the owner or master of a ship may serve a written request upon the Secretary of State seeking advice⁽³⁾.

(5) A repair or renewal is not to be regarded as being an important repair or renewal for the purposes of this regulation unless the Secretary of State advises to the contrary within 21 days of receipt of a request under paragraph (4).

Procedure to be adopted when a ship is deficient

22.—(1) This regulation applies where a surveyor determines that—

- (a) the condition of a ship or its equipment does not correspond substantially with the particulars of the Sewage Certificate, if any, issued in respect of that 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—

(3) The process for requesting this advice from the Secretary of State can be found in Marine Guidance Note No. 631 (M+F). Copies of MGN 631 (M+F) may be obtained free of charge at www.gov.uk or in hard copy from the Maritime and Coastguard Agency (“MCA”) of Spring Place, 105 Commercial Road, Southampton SO15 1EG.

- (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 Sewage Certificate, notify the Certifying Authority that issued the Certificate—
 - (i) that the surveyor has so advised the owner or master as the case may be; and
 - (ii) if that corrective action is not taken.
- (3) Where—
 - (a) a Sewage 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 may suspend the validity of that Certificate until the corrective action has been taken.
- (4) Where a Certifying Authority suspends the validity of a Sewage Certificate issued in respect of a ship, it must immediately give notice in writing 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 State 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 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 a diplomatic representative of the ship’s flag State or the appropriate maritime authorities of that State; and
 - (b) “surveyor” includes a person authorised by that flag State to survey the ship.

Arbitration

- 23.**—(1) If an applicant is dissatisfied for any reason with the outcome of a survey carried out in respect of a United Kingdom ship, the applicant may serve a written notice on the responsible person within the period of 21 days beginning with the date 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 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) one party, after giving written notice to the other party, or
 - (b) the parties jointly,
- but this paragraph does not apply in relation to 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 GT or more, in accordance with Regulation II/2 of Chapter 2 of the Annex to STCW;

- (ii) a chief engineer officer or second engineer officer on a seagoing ship powered by main propulsion machinery of 3,000 kW propulsion power or more, in accordance with Regulation III/2 of Chapter 3 of the Annex to STCW;
 - (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 (powers of inspectors in relation to premises and ships) 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 (1) 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 No M.1613(4) apply unless alternative procedures are agreed between the applicant and the responsible person before the commencement of arbitration proceedings.
- (8) In this regulation—
- (a) “applicant” means a person who makes an application for a survey required by these Regulations;
 - (b) “Merchant Shipping Notice” means a notice described as such and issued by the Secretary of State, and any reference to a particular Merchant Shipping Notice includes a reference to a Merchant Shipping Notice amending or replacing that Notice which is considered by the Secretary of State to be relevant from time to time;
 - (c) “qualified person” means—
 - (i) a person who satisfies the judicial appointment eligibility condition on a seven-year basis;
 - (ii) a person who is an advocate or solicitor in Scotland of at least seven years’ standing; or
 - (iii) 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;
 - (d) “responsible person” means—
 - (i) the Certifying Authority responsible under regulation 14 (issue of Sewage Certificates by a Certifying Authority in respect of United Kingdom ships) or 15 (issue of Sewage Certificates by another Contracting State in respect of United Kingdom ships) for the issue of the Sewage Certificate in connection with which a survey required by these Regulations is carried out; or
 - (ii) in the case of a dispute relating to an additional survey, the Certifying Authority which issued the Sewage Certificate in respect of the ship; and

(4) Merchant Shipping Notices are published by the Maritime and Coastguard Agency. Copies of MSN No. M.1613 can be obtained free of charge at www.gov.uk or in hard copy from the Maritime and Coastguard Agency (“MCA”) of Spring Place, 105 Commercial Road, Southampton SO15 1EG.

- (e) “STCW” means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978(5), as amended in 1995 by resolution 1 of the STCW Conference convened at the IMO’s headquarters from 26th June to 7th July 1995.

Miscellaneous provisions relating to Sewage Certificates

24.—(1) The Secretary of State may cancel a Sewage Certificate issued in respect of a United Kingdom ship where there is reason to believe that—

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

(2) The Secretary of State may require the surrender of a Sewage Certificate issued to a United Kingdom ship where that Certificate has expired, been suspended or been cancelled.

(3) A direction given by the Secretary of State under paragraph (2) may specify that a Sewage Certificate must be surrendered within such time and in such manner as the Secretary of State may direct.

(4) In relation to a ship, no person may—

- (a) intentionally alter a Sewage Certificate, unless permitted to do so under these Regulations;
- (b) intentionally make a false Sewage Certificate;
- (c) knowingly or recklessly provide false information in connection with a survey required under these Regulations;
- (d) with intent to deceive, use or lend a Sewage Certificate or permit a Sewage Certificate to be used by another person;
- (e) fail to surrender a Sewage Certificate when required to do so by paragraph (2); or
- (f) in Scotland, forge a Sewage Certificate.

(5) The owner and master of a ship, in respect of which a Sewage Certificate has been issued, must ensure that the Sewage Certificate is readily available on board the ship for examination at all times, except where it has been surrendered pursuant to paragraph (2).

(5) This Convention (“STCW”) was originally published in Cmnd. 7543 and subsequently in Cmnd 9266. An electronic copy of Cmnd. 9266 can be found at <https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=68238>. A hard copy of Cmnd. 9266 is available for inspection free of charge but by appointment at the Parliamentary Archives, Houses of Parliament, London, SW1A 0PW (catalogue number: HL/PO/JO/10/11/2230/2631).