
STATUTORY INSTRUMENTS

2022 No. 737

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

PART 7

Enforcement

Right of appeal and compensation

43.—(1) Regulations 15 (arbitration) and 16 (compensation) of the Merchant Shipping (Port State Control) Regulations 2011⁽¹⁾ apply in relation to the exercise of the power of detention under these Regulations as they apply in relation to the exercise of those powers under Part 1 (implementation of [Directive 2009/16/EC](#)) of those Regulations, subject to the modifications referred to in paragraph (2).

(2) The modifications are—

- (a) references to “inspector” are to be taken as references to the authority detaining the ship, or the harbour master, as the case may be;
- (b) references to—
 - (i) “issue of a refusal of access notice”;
 - (ii) “refusal of access”;
 - (iii) “refusal of access notice”;
 - (iv) “served with a refusal of access notice”; and
 - (v) “service of a refusal of access notice”,are omitted; and
- (c) in regulation 16(2) after “State” there is added “, except where the ship is detained by a harbour master, in which case any compensation awarded under this section must be paid by the harbour authority”.

⁽¹⁾ [S.I. 2011/2601](#), to which there are amendments not relevant to these Regulations.