

---

STATUTORY INSTRUMENTS

---

**2024 No. 509**

**The Merchant Shipping (Anti-Fouling Systems) Regulations 2024**

**PART 4**

**Enforcement**

**Offences and penalties**

**12.**—(1) Any contravention of—

- (a) regulation 6(1), (2) or (4) (prohibitions and requirements for ships);
- (b) regulation 7(3)(a) or (b), or (6) (AFS-Certificates: ships of 400 gross tonnage or above);
- (c) regulation 8(3) (AFS-Declarations: ships of less than 400 gross tonnage);
- (d) regulation 10(1) or (2) (availability of certificates and other documents),

is an offence by the owner and master in respect of each case of non-compliance.

(2) Any contravention of regulation 9(3) (alteration etc. of a certificate) is an offence by the person in question.

(3) An offence under paragraph (1) or (2) is punishable—

- (a) on summary conviction—
  - (i) in England and Wales by a fine; or
  - (ii) in Scotland or Northern Ireland by a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment by a fine.

(4) It is a defence for a person charged with an offence under this regulation to prove that the person charged took all reasonable steps to avoid the commission of the offence.

**Detention**

**13.**—(1) Any ship which does not comply with the requirements of these Regulations or the Convention applicable to that ship may be detained.

(2) Section 284 of the Act<sup>(1)</sup> (enforcing detention of a ship) applies where a ship is liable to be detained under this regulation as if—

- (a) references to detention of a ship under the Act were references to detention of the ship in question under this regulation; and
- (b) subsection (7) were omitted.

(3) Where a ship is liable to be detained under this regulation, the person detaining the ship must serve on the master a detention notice which—

- (a) states the grounds of the detention; and

---

(1) Section 284 was amended by Schedule 1 to the Merchant Shipping and Maritime Security Act 1997 (c. 28) and S.I. 2015/664.

- (b) requires the terms of the notice to be complied with until the ship is released by any person mentioned in section 284(1) of the Act.
- (4) Subject to paragraph (6), section 96 (references of detention notices to arbitration)<sup>(2)</sup> and section 97 (compensation in connection with invalid detention of a ship) of the Act apply in relation to a detention notice issued pursuant to this regulation as they apply in relation to detention notices issued pursuant to section 95 (power to detain dangerously unsafe ship)<sup>(3)</sup>.
- (5) For the purposes of paragraph (4)—
  - (a) section 96 of the Act applies as if—
    - (i) subsection (3) were omitted;
    - (ii) the words “as a dangerously unsafe ship” in subsection (5) were omitted;
    - (iii) subsection (11) were omitted; and
  - (b) sections 96 and 97 of the Act apply as if “the relevant inspector” means a person issuing the detention notice pursuant to this regulation.
- (6) Subject to paragraph (8), where a ship other than a United Kingdom ship is detained, the Secretary of State must immediately inform the ship’s flag administration in writing.
- (7) If it is not possible to inform the ship’s flag administration in accordance with paragraph (7), the Secretary of State must inform the Consul of the State of the flag administration, or in the absence of a Consul, the nearest diplomatic representative of the State of the flag administration.
- (8) For the purposes of paragraphs (7) and (8), “flag administration” in relation to a ship means the administration of the State whose flag the ship is entitled to fly.

---

(2) Section 96(7) was amended by Part 1 of Schedule 10 to the Tribunals, Courts and Enforcement Act 2007 (c. 15) and by Schedule 11 to the Constitutional Reform Act 2005 (c. 4). Section 96(10) was repealed by Schedule 4 to the Arbitration Act 1996 (c. 23).

(3) Section 95 was amended by Schedule 1 to the Merchant Shipping and Maritime Security Act 1997 (c. 28).