Draft Regulations laid before Parliament under paragraphs 2(1) to (3) and 5(1) of Schedule 5 to the Retained EU Law (Revocation and Reform) Act 2023 (c. 28), for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2026 No.

RETAINED EU LAW REFORM

MERCHANT SHIPPING

The Merchant Shipping (Port State Control) Regulations 2026

Made - - - - ***

Coming into force

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Schedule 1 — Information to be included in an inspection report
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The Secretary of State, with the consent of the Treasury, makes these Regulations in exercise of the powers conferred by—

(a) article 3 of the Merchant Shipping (Prevention of Oil Pollution) Order 1983(**a**);

(b) article 3 of the Merchant Shipping (Prevention and Control of Pollution) Order 1987(**b**);

(c) article 3 of the Merchant Shipping (Prevention and Control of Pollution) Order 1990(**c**);

(d) article 2 of the Merchant Shipping (Prevention of Pollution) (Law of the Sea Convention) Order 1996(**d**);

(e) article 2 of the Merchant Shipping (Control of Pollution) (SOLAS) Order 1998(**e**);

(f) articles 2 and 3 of the Merchant Shipping (Prevention of Air Pollution from Ships) Order 2006(**f**);

(g) articles 3 to 5 of the Merchant Shipping (Prevention of Pollution by Sewage and Garbage) Order 2006(**g**);

(h) articles 3 and 4 to the Merchant Shipping (Control and Management of Ships' Ballast Water and Sediments) Order 2022(**h**);

(i) articles 3 and 4 to the Merchant Shipping (Control of Harmful Anti-Fouling Systems on Ships) Order 2022(**i**);

(j) sections 85(1), (3), (6) and (7), 86(1)(a) to (d), 128(5) and (6), 302(1) and 306A of the Merchant Shipping Act 1995(**j**) ("the 1995 Act");

(k) sections 14(2), (4)(b), (c) and (e) and 20(1)(a) and (b) of the Retained EU Law (Revocation and Reform) Act 2023 ("the 2023 Act")(**k**).

(**a**) S.I. 1983/1106; relevant amending instruments are S.I. 1985/2002, 1991/2885 and 1993/1580.
(**b**) S.I. 1987/470 amended by S.I. 1990/2595; there are other amending instruments but none is relevant.
(**c**) S.I. 1990/2595.
(**d**) S.I. 1996/282; relevant amending instruments are the Marine and Coastal Access Act 2009 (c. 23), Schedule 4, paragraph 3, and S.I. 2022/844.
(**e**) S.I. 1998/1500.
(**f**) S.I. 2006/1248.
(**g**) S.I. 2006/2950, to which there are amendments not relevant to these Regulations.
(**h**) S.I. 2022/629.
(**i**) S.I. 2022/1334.
(**j**) 1995 c. 21. Section 85(1) was amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28) (the "1997 Act"), section 8(2). Section 85(3) was amended by the 1997 Act, section 8(4). Section 128(5) was amended by the Merchant Shipping (Pollution) Act 2006 (c. 8), section 2(3). Section 306A was inserted by the Deregulation Act 2015 (c. 20), section 106.
(**k**) 2023 c. 28.

The Secretary of State is the relevant national authority for the purposes of section 14(2) of the 2023 Act(**a**).

In accordance with paragraphs 2(1) to (3) and 5(1) of Schedule 5 to the 2023 Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

In accordance with section 86(4) of the 1995 Act the Secretary of State has consulted the persons referred to in that section.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Merchant Shipping (Port State Control) Regulations 2026.

(2) These Regulations come into force on the 21st day after the day on which they are made.

(3) These Regulations extend to England and Wales, Scotland and Northern Ireland.

Revocation

2. The Merchant Shipping (Port State Control) Regulations 2011(**b**) are revoked.

Interpretation

3.—(1) In these Regulations—

"1992 Civil Liability Convention" means the Protocol of 1992 to amend the International Convention on Civil Liability for Oil Pollution Damage, 1969(**c**);

"Act" means the Merchant Shipping Act 1995;

"Anti-Fouling Systems Convention" means the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001(**d**);

"Ballast Water Management Convention" means the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004, including its Annex and Appendices(**e**);

"black list" means the black list of States for the purposes of the Paris MOU(**f**);

(**a**) The term "relevant national authority" is defined in section 21(1) of the Retained EU Law (Revocation and Reform) Act 2023.

(**b**) S.I. 2011/2601, amended by S.I. 2017/825, 2018/1104, 1122, 1221, 2019/940, 2020/496.

(**c**) Cm 3432, which may be found on the Foreign, Commonwealth & Development Office treaties database (https://treaties.fcdo.gov.uk/data/Library2/pdf/1996-TS0086.pdf). The Protocol was previously published as "Miscellaneous No. 36 (1994) Cm 2657". The Protocol of 1992 may be obtained in hard copy from the International Maritime Organization, 4 Albert Embankment, London, SE1 7SR.

(**d**) Cm 8284, which may be found on the Foreign, Commonwealth & Development Office treaties database (https://treaties.fcdo.gov.uk/data/Library2/pdf/2012-TS0013.pdf). The Convention was previously published as "Miscellaneous No. 13 (2009) Cm 7781". The Convention may be obtained in hard copy from the International Maritime Organization, 4 Albert Embankment, London, SE1 7SR.

(**e**) CP 557, which may be found on the National Archives database (https://assets.publishing.service.gov.uk/media/6184f8fe8fa8f52979b6cbd4/MS_6.2021_Convention_Ships_Ballast_Water_Sediment_2004.pdf). The Convention was adopted on 13th February 2004 by the International Conference on Ballast Water Management for Ships, 2004, convened by the International Maritime Organization. It entered into force on 8th September 2017 and has been amended by IMO Resolutions 2018 MEPC.296(72), 2018 MEPC.297(72), 2018 MEPC.299(72) and 2020 MEPC.325(75). The Convention is available from the International Maritime Organization, 4 Albert Embankment, London, SE1 7SR.

(**f**) The list of States on the black list can be found via this link - https://parismou.org/Statistics%26Current-Lists/white-grey-and-black-list.

"Bunkers Convention" means the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001(**a**);

"classification certificate" means a document confirming compliance with SOLAS, Chapter II-1, Part A-1, Regulation 3-1;

"classification society" means an organisation which—

(a) develops and applies technical standards for the design, construction and survey of ships, and

(b) carries out surveys and inspections on board ships;

"COLREG" means the Convention on the International Regulations for Preventing Collisions at Sea, 1972(**b**);

"company" means the owner of the ship or any other organisation or person such as the manager, or the bareboat charterer, who has assumed the responsibility for operation of the ship from the owner of the ship and who, on assuming the responsibility, has agreed to take over all the duties and responsibilities imposed by the International Safety Management Code(**c**);

"competent authority" means—

(a) in relation to the United Kingdom, the Secretary of State;

(b) in relation to a member state other than the United Kingdom, the maritime authority of that member state;

"complaint" means any information or report submitted by a person or organisation with a legitimate interest in the safety of the ship, including an interest in safety or health hazards to its crew, on-board living and working conditions and the prevention of pollution;

"Convention enactment" means—

(a) the Act, and

(b) statutory instruments made under the Act (including statutory instruments made under an order made under the Act) which implement the Conventions;

"Conventions" means—

(a) the Load Lines Convention;

(b) the Tonnage Convention;

(c) COLREG;

(d) MARPOL;

(e) SOLAS;

(f) STCW;

(g) the SOLAS Protocol;

(**a**) Cm 8489, which may be found on the Foreign, Commonwealth & Development Office treaties database (https://treaties.fcdo.gov.uk/data/Library2/pdf/2012-TS0047.pdf). The Convention was previously published as "Miscellaneous No. 8 (2005) Cm 6693". The Convention may be obtained in hard copy from the International Maritime Organization, 4 Albert Embankment, London, SE1 7SR.

(**b**) Cmnd. 6962, which may be found on the Foreign, Commonwealth & Development Office treaties database (https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=67638). The Convention was previously published in "Miscellaneous No. 28 (1973), Cmnd. 5471". The Convention was amended in 1981, 1987, 1989, 1993, 2001, 2009 and 2016. The Convention may be obtained in hard copy from the International Maritime Organization, 4 Albert Embankment, London, SE1 7SR.

(**c**) Also referred to as the ISM Code and adopted by IMO resolution A.741(18) on 4 November 1993. The code has been subsequently amended by IMO resolution MSC.104(73), MSC.179(79), MSC.195(80), MSC.273(85) and MSC.353(92). The Code and relevant amendments may be obtained in hard copy from the International Maritime Organization, 4 Albert Embankment, London, SE1 7SR.

(h) the Load Lines Protocol;

(i) the 1992 Civil Liability Convention;

(j) the Anti-Fouling Systems Convention;

(k) the Bunkers Convention;

(l) the Ballast Water Management Convention;

(m) the MLC;

(n) the Wreck Removal Convention;

"detention notice" means a notice issued for the purposes of these Regulations in accordance with regulation 12(2);

"expanded inspection" means an inspection which covers at least the items listed in paragraph 7 of Annex 9 to the Paris MOU;

"flag administration", in relation to a ship, means the administration of the State whose flag the ship is entitled to fly;

"flag State" means the State whose flag the ship is entitled to fly;

"grey list" means the grey list of States for the purposes of the Paris MOU(**a**);

"IMO" means the International Maritime Organization;

"initial inspection" means an inspection in order to check compliance with the relevant Conventions including at least the checks set out in regulation 7(1);

"inspector" means a person duly authorised by the Secretary of State to carry out inspections required by these Regulations;

"Load Lines Convention" means the International Convention on Load Lines, 1966(**b**);

"Load Lines Protocol" means the protocol of 1988 relating to the Load Lines Convention(**c**);

"MARPOL" means the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocols of 1978 and 1997(**d**);

"master" includes every person (except a pilot) having command or charge of a ship;

(**a**) The list of States on the grey list can be found via this link - https://parismou.org/Statistics%26Current-Lists/white-grey-and-black-list.

(**b**) Cmnd. 3708, which may be found on the Foreign, Commonwealth & Development Office treaties database (https://treaties.fcdo.gov.uk/data/Library2/pdf/1968-TS0058.pdf). The English text of the Convention was first published as part of "Miscellaneous No. 9 (1966) Cmnd. 3070". The Convention was modified by the Protocol of 1988 and amended by IMO Resolutions A.972(24), A.1082(28) and A.1083(28). The Protocol was amended by IMO Resolutions MSC.143(77), MSC.172(79), MSC.223(82), MSC.270(85), MSC.329(90), MSC.345(91), MSC.356(92), MSC.375(93) and MSC491(104). The Convention may be obtained in hard copy from the International Maritime Organization, 4 Albert Embankment, London, SE1 7SR The text of IMO Resolutions A.972(24), A.1082(28) and A.1083(28) may also be obtained in hard copy from the International Maritime Organization, or in Marine Information Note 560(M) issued by the Maritime Coastguard Agency and which is available in hard copy by prior appointment with the Maritime & Coastguard Agency, Spring Place, 105 Commercial Road, Southampton, SO15 1EG (telephone 020 3817 2000 and email infoline@mcga.gov.uk). See the definition of "Load Lines Protocol" for more information about the Protocol of 1988.

(**c**) Cm 4829, which may be found on the Foreign, Commonwealth & Development Office treaties database (https://treaties.fcdo.gov.uk/data/Library2/pdf/2000-TS0100.pdf). The Protocol was previously published as "Miscellaneous No. 26 (1999) Cm 4419". The Protocol was amended by IMO Resolutions MSC.143(77), MSC.172(79), MSC.223(82), MSC.270(85), MSC.329(90), MSC.345(91), MSC.356(92), MSC.375(93) and MSC.491(104). The text of the amendments to the Protocol up to and including those made by IMO Resolution MSC.375(93) may be obtained from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or in Marine Information Note 560(M) issued by the MCA and available in copy from Spring Place, 105 Commercial Road, Southampton SO15 1EG or on https://www.gov.uk.

(**d**) The Convention was published in Cmnd. 5748, and amended by the Protocols of 1978 (Cmnd. 7347) and 1997 (Cm. 4427). 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. The Parliamentary Archives catalogue numbers are as follows: HL/PO/JO/10/11/1853/505 (Cmnd. 5748), HL/PO/JO/10/11/1959/2033 (Cmnd. 7347) and HL/PO/JO/10/11/3156/2285 (Cm. 4427). Annex V to MARPOL has been amended by a number of International Maritime Organization ("IMO") Resolutions, most recently by MEPC.277(70). The amendments are available from the IMO of 4 Albert Embankment, London, SE1 7SR.

"member state" means a State which is, or whose maritime authority is, a signatory to the Paris MOU;

"MLC" means Maritime Labour Convention, 2006(**a**);

"more detailed inspection" means an inspection including an in-depth examination of the areas mentioned in paragraphs 4 and 5 of Annex 9 to the Paris MOU;

"owner" includes, in relation to a ship, any individual or company, an operator, manager, charterer or agent who has assumed responsibility for the operation of the ship;

"Paris MOU" means the Memorandum of Understanding on Port State Control, signed in Paris on 26 January 1982(**b**);

"Paris MOU region" means the geographical area in which the signatories to the Paris MOU conduct inspections in the context of the Paris MOU;

"port authority" means a harbour authority within the meaning of section 57(1) of the Harbours Act 1964(**c**) or, in Northern Ireland, of section 38(1) of the Harbours Act (Northern Ireland) 1970(**d**), or if there is no such authority, the person having control of the operation of the port;

"recognised organisation" means a classification society or other body, authorised by and carrying out statutory tasks on behalf of a flag State;

"refusal of access notice" means a notice issued by a member state in respect of a ship, stating that the ship will be refused access to all ports and anchorages in the territory of any member state;

"ship"(**e**) includes hovercraft;

"SOLAS" means the International Convention for the Safety of Life at Sea, 1974(**f**);

"SOLAS Protocol" means the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974(**g**);

"statutory certificate" means a certificate issued by or on behalf of a flag State in accordance with a Convention;

(**a**) Cm 9364, which may be found on the Foreign, Commonwealth & Development Office treaties database (https://treaties.fcdo.gov.uk/data/Library2/pdf/2016-TS0037.pdf). The Convention was previously published by the Department for Work and Pensions as "Cm No. 7049 (2007)". The Convention may be obtained in hard copy from the International Maritime Organization, 4 Albert Embankment, London, SE1 7SR.

(**b**) The Paris MOU may be obtained in hard copy from the Secretariat Paris MOU on PSC, P.O. Box 16191, 2500 BC The Hague, The Netherlands, or found on their database (https://parismou.org/system/files/2025-06/Paris%20MoU%20including%2046th%20amendment%20.pdf) or obtained in hard copy by prior appointment with the Maritime & Coastguard Agency, Spring Place, 105 Commercial Road, Southampton, SO15 1EG (telephone 020 3817 2000 and email infoline@mcga.gov.uk).

(**c**) 1964 c. 40; there are amendments to section 57(1) not relevant to these Regulations.

(**d**) 1970 c. 1 (N.I.).

(**e**) "Ship" is defined in section 313(1) of the Merchant Shipping Act 1995 (c. 21).

(**f**) Cmnd. 7874, which may be found on the Foreign, Commonwealth and Development Office treaties database (https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=79786). SOLAS may be obtained in copy from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR. SOLAS was modified by its Protocol of 1978 (Cmnd. 8277) (https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=68013), which was replaced and abrogated by the Protocol of 1988 (Cm 5044) (https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=69573) with respect to the parties to the 1988 Protocol. The amendments to SOLAS are available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/). 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. The Parliamentary Archives catalogue numbers for the Command Papers are HL/PO/JO/10/11/2031/2878 (Cmnd 7874), HL/PO/JO/10/11/1959/2032 (Cmnd 8277) and HL/PO/JO/10/11/3156/2280 (Cm 5044).

(**g**) Cm 5044, which may be found on the Foreign, Commonwealth & Development Office treaties database (https://treaties.fcdo.gov.uk/data/Library2/pdf/2001-TS0011.pdf). The Protocol was previously published as "Miscellaneous No. 27 (1999) Cm 4420". The Protocol of 1988 may be obtained in hard copy from the International Maritime Organization, 4 Albert Embankment, London, SE1 7SR.

"STCW" means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978(**a**);

"Tonnage Convention" means the International Convention on Tonnage Measurement of Ships, 1969(**b**);

"Wreck Removal Convention" means the Nairobi International Convention on the Removal of Wrecks, 2007(**c**).

(2) References in these Regulations to the United Kingdom include United Kingdom waters(**d**).

(3) A reference to a "Convention" is—

(a) other than in respect of the MLC and the Tonnage Convention, to be construed—

(i) as a reference to the Convention as it is modified from time to time; and

(ii) as, if the Convention is replaced, a reference to the replacement;

(b) in respect of the MLC and the Tonnage Convention, to be construed—

(i) as a reference to the Convention as it is modified from time to time; and

(ii) as, if the Convention is replaced, a reference to the replacement,

insofar as the modification or replacement relates to all or any of the purposes set out in section 85(1) of the Act.

(4) for the purposes of paragraph (3) a Convention is modified or replaced if the modification or replacement takes effect in accordance with the relevant Article referred to in paragraph (5).

(5) The relevant Article is—

(a) for the Load Lines Convention, Article 29 or Article VI of the Load Lines Protocol;

(b) for the Tonnage Convention, Article 18;

(c) for COLREG, Article VI;

(d) for MARPOL, Article 16;

(e) for SOLAS, Article VIII;

(f) for STCW, Article XII;

(g) for the SOLAS Protocol, Article VI;

(h) for the Load Lines Protocol, Article VI;

(i) for the 1992 Civil Liability Convention, Article 14;

(j) for the Anti-Fouling Systems Convention, Article 16;

(k) for the Bunkers Convention, Article 16;

(l) for the Ballast Water Management Convention, Article 19;

(**a**) Cmnd 7543. The Annex to the STCW Convention was replaced in full in 2010 following the Manila Conference. The Convention has since been amended by IMO Resolutions MSC.373(93), MSC.396(95) and MSC.416(97). The STCW Convention and the amendments to it are available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR. 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.

(**b**) Cmnd. 8716, which may be found on the Foreign, Commonwealth & Development Office treaties database (https://treaties.fcdo.gov.uk/awweb/pdfopener?md=1&did=68110). The Convention was previously published as "Miscellaneous No. 6 (1970) Cmnd. 4332". The Convention may be obtained in copy from the International Maritime Organization, 4 Albert Embankment, London, SE1 7SR.

(**c**) Cm 9315, which may be found on the Foreign, Commonwealth & Development Office treaties database (https://treaties.fcdo.gov.uk/data/Library2/pdf/2016-TS0030.pdf). The Convention was previously published as "Miscellaneous No. 5 (2011) Cm 8243". The Convention may be obtained in hard copy from the International Maritime Organization, 4 Albert Embankment, London, SE1 7SR. Additionally, the Wreck Removal Convention Act 2011 (c. 8) inserted Part 9A and Schedule 11ZA into the Merchant Shipping Act 1995 to implement the requirements and text of the Nairobi International Convention on the Removal of Wrecks.

(**d**) "United Kingdom waters" is defined in section 313(2)(a) of the Merchant Shipping Act 1995 (c. 21).

(m) for the MLC, Article XIV;

(n) for the Wreck Removal Convention, Article 14.

Application

4.—(1) These Regulations apply to a ship and its crew calling at a port or anchorage in the United Kingdom to engage in a ship/port interface.

(2) These Regulations do not apply to—

(a) a British ship(**a**),

(b) a government ship(**b**),

(c) a fishing vessel used for catching fish, whales, seals, walrus or other living resources of the sea,

(d) a warship,

(e) a naval auxiliary,

(f) a wooden ship of primitive build,

(g) a foreign government ship, used for non-commercial purposes,

(h) a pleasure vessel.

(3) Paragraphs (1) and (2) of this regulation do not apply to regulation 22.

(4) In this regulation—

"pleasure vessel" means—

(a) any vessel which at the time it is being used is—

(i) in the case of a vessel wholly owned by—

(aa) an individual or individuals, used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or

(bb) a body corporate, used only for sport or pleasure and on which the persons on board are employees or officers of the body corporate, or their immediate family or friends; and

(ii) on a voyage or excursion which is one for which the owner does not receive money for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion; or

(b) any vessel wholly owned by or on behalf of a members' club formed for the purpose of sport or pleasure which, at the time it is being used, is used only for the sport or pleasure of members of that club or their immediate family, and for the use of which any charges levied are paid into club funds and applied for the general use of the club,

where, in the case of any vessel referred to in paragraph (a) or (b), no other payments are made by or on behalf of users of the vessel, other than by the owner; and in this definition "immediate family" means, in relation to an individual, the spouse or civil partner of the individual, and a relative of the individual or the individual's spouse or civil partner; and "relative" means brother, sister, ancestor or lineal descendant;

(**a**) "British ship" is defined in section 313(1) of the Merchant Shipping Act 1995 (c. 21).
(**b**) "Government ship" is defined in section 313(1) of the Merchant Shipping Act 1995 (c. 21).

"ship/port interface" means the interactions that occur when a ship is directly and immediately affected by actions involving the movement of persons or goods or the provision of port services to or from the ship.

Application of section 258 of the Act

5.—(1) A ship, when in a port in the United Kingdom, may be inspected for the purpose of checking that the master and crew are familiar with essential procedures and operations relating to the safety of the ship.

(2) Section 258 (powers to inspect ships and their equipment, etc.)(**a**) of the Act applies in relation to a ship in a port in the United Kingdom as if, in subsection (1), after "articles on board" there were inserted "the familiarity of the crew with essential procedures and operations relating to the safety of the ship".

Inspections

6.—(1) The Secretary of State may require an inspection of a ship to which these Regulations apply in accordance with these Regulations and the Paris MOU.

(2) An inspection may be an initial inspection, a more detailed inspection or an expanded inspection.

(3) An inspector must, when exercising functions in respect of a ship below 500 gross tonnage—

(a) have regard to Annex 1 to the Paris MOU,

(b) to the extent a Convention applies to the ship, apply the requirements of that Convention, and

(c) to the extent a Convention does not apply to the ship, take such action as may be necessary to ensure that the ship is not clearly hazardous to safety, health or the environment.

(4) An inspection in the United Kingdom of a ship, while not in a port, may be considered an inspection for the purposes of these Regulations.

Initial inspections and more detailed inspections

7.—(1) In carrying out an initial inspection of a ship the inspector must as a minimum—

(a) check the certificates and documents listed in Annex 10 of the Paris MOU;

(b) verify, where appropriate, that outstanding deficiencies found during a previous inspection carried out by a member state have been rectified;

(c) check that the overall condition of the ship, including the hygiene of the ship, and including the engine room and accommodation, is satisfactory.

(2) A more detailed inspection must be carried out if—

(a) there are clear grounds for believing during the course of an initial inspection, that the condition of a ship or of its equipment or crew does not substantially meet the relevant requirements of a Convention, or

(b) the flag State for the ship is not a signatory to the Conventions.

(**a**) Section 258 was amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), Schedule 1, paragraphs 4(2)(a) to (c), (3) and (4) and Schedule 7, Part 1 and the Protection of Freedoms Act 2012 (c. 9), Schedule 2, Part 1 paragraph 2(1) and Schedule 10, Part 2.

(3) For the purposes of paragraph (2) and regulation 8(2), clear grounds(**a**) exist when the inspector finds evidence which in the inspector's professional judgement warrants a more detailed inspection of the ship, its equipment or its crew.

Expanded inspection of certain ships

8.—(1) An expanded inspection—

(a) is required for the periodic inspection of—

(i) ships with a high risk profile as determined under Annex 7 of the Paris MOU,

(ii) passenger ships, oil tankers, gas or chemical tankers or bulk carriers, older than 12 years of age, and

(b) may be required for the additional inspection of—

(i) ships with a high risk profile or passenger ships, oil tankers, gas or chemical tankers or bulk carriers, older than 12 years of age, in cases of—

(aa) overriding factors as set out in paragraph 11, or

(bb) unexpected factors as set out in paragraph 12,

of Annex 8 to the Paris MOU, or

(ii) ships subject to a re-inspection following a refusal of access order issued in accordance with regulation 16.

(2) An expanded inspection may include a more detailed inspection whenever there are clear grounds for believing that the condition of a ship or of its equipment or crew does not substantially meet the relevant requirements of a Convention.

(3) Where this regulation applies, a ship must not leave the port or anchorage until the inspection is completed but this does not prevent the application of any control measures required for security purposes in accordance with SOLAS, Chapter XI-2, Regulation 9.1 (special measures to enhance maritime security).

(4) In this regulation—

"additional inspection" means an inspection which is not a periodic inspection;

"periodic inspection" means a routine inspection carried out at intervals specified by the Paris MOU.

Notification of the arrival of ships

9.—(1) Where an expanded inspection of a ship is or may be required in accordance with regulation 8, the owner or master of the ship is required to give advance notice to the Secretary of State of the arrival of the ship into a port or anchorage in the United Kingdom in accordance with the requirements in paragraphs (2) and (3).

(2) The minimum notice period for the purposes of paragraph (1) is—

(a) 72 hours in advance of the ship's expected arrival at the relevant port or anchorage, or

(b) as soon as this information is available where—

(i) the voyage to the port or anchorage is expected to take less than 72 hours at the time the ship leaves the previous port or anchorage, or

(ii) the port of call is not known or it is changed during the voyage.

(3) A notice provided for the purposes of paragraph (1) must include information about the—

(**a**) Examples of clear grounds are set out in paragraph 6 of Annex 9 to the Paris MOU.

(a) ship's identification such as—

(i) the mandatory IMO number and additional name,

(ii) the call sign or a unique nine-digit maritime mobile service identity number, or both, that may have been issued in respect of a ship by the appropriate authority of the flag State, and

(b) the information referred to in paragraph 2(b) - (i) of Annex 12 of the Paris MOU.

Inspection Report

10. On completion of an inspection required by these Regulations, the inspector must—

(a) prepare a written report which includes the information set out in Schedule 1, and

(b) provide the ship's master with a copy of the report.

Professional profile of inspectors

11. An inspection under these Regulations must be carried out by a person who fulfils the minimum qualification criteria specified in Schedule 2.

Rectification and detention

12.—(1) Where an inspector has reason to believe that any deficiencies in relation to compliance with the Conventions which are confirmed or revealed by an inspection of the ship are clearly hazardous to health, safety or the marine environment, the inspector may, subject to regulation 13, detain the ship using powers of detention in Convention enactments.

(2) Where an inspector decides to detain the ship, the inspector must do so by serving a notice ("a detention notice") on the master of the ship.

(3) A detention notice—

(a) must require the ship to comply with the terms of the notice until it is released by the Secretary of State;

(b) may—

(i) include a direction that a ship must remain in a particular place, or must move to a particular anchorage or berth;

(ii) specify circumstances when the master of the ship may move that ship from a specified place for reasons of safety or prevention of pollution.

(4) A detention imposed by an inspector in the circumstances described in paragraph (1) must not be lifted until the Secretary of State has established that the ship can, depending on any necessary conditions to be met, proceed to sea or its operation be resumed without—

(a) risk to the safety and health of passengers or crew,

(b) risk to other ships, or

(c) there being a material threat of harm to the marine environment.

(5) When exercising professional judgement as to whether or not a ship should be detained in accordance with paragraph (1), the inspector must apply the criteria set out in Schedule 3 but this does not prevent the application of any other requirement in the Convention enactments.

(6) A ship must be detained if it is not equipped with a functioning voyage data recorder system where its use is compulsory in accordance with the Merchant Shipping (Safety of Navigation) Regulations 2020(**a**).

(**a**) S.I. 2020/673, to which there are amendments not relevant to these Regulations.

(7) Where paragraph (6) applies and the deficiency cannot readily be rectified in the port of detention, the inspector may—

(a) either, if the deficiency is capable of being rectified, allow the ship to proceed to the appropriate repair yard nearest to the port of detention in order that it can be rectified, or

(b) require that the deficiency be rectified within a maximum period of 30 days.

(8) In exceptional circumstances, where the overall condition of a ship is obviously substandard, the inspector may, in addition to detaining the ship, suspend the inspection of that ship until the responsible parties have taken the steps necessary to ensure that it complies with the relevant requirements of the Conventions.

(9) Where a ship is detained following an inspection the Secretary of State must immediately notify, in writing—

(a) the ship's flag administration if this is possible,

(b) the Consul of the flag State if notification under sub-paragraph (a) is not possible, or

(c) the nearest diplomatic representative of the flag State if notification under sub-paragraph (a) or (b) is not possible.

(10) The written information referred to in paragraph (9) must set out the reasons relating to the decision to detain the ship and must include the written report of the inspection prepared for the purposes of regulation 10.

(11) The provisions of these Regulations do not prejudice the additional requirements of the Conventions that apply to a ship to which this regulation applies concerning notification and reporting procedures related to port state control.

(12) When carrying out an inspection under these Regulations, the inspector must make all possible efforts to avoid a ship being unduly detained or delayed.

(13) The risk of port congestion must not be a consideration in a decision to detain a ship or to release a ship from detention.

(14) Section 284 of the Act (enforcing detention of a ship) applies in relation to a ship as if any reference to proceeding to sea were a reference to proceeding contrary to the detention notice and references to sending or taking to sea were construed accordingly where—

(a) the ship is detained under a Convention enactment, or

(b) the master of the ship is served with a detention notice under such an enactment.

Power to permit detained ships to proceed to repair yard

13.—(1) Where deficiencies referred to in regulation 12(1) cannot be rectified in the port of inspection, an inspector may allow the ship to proceed without undue delay to the appropriate repair yard nearest to the port of detention, subject to any conditions under paragraph (2)(b).

(2) Where paragraph (1) applies, the ship must—

(a) proceed to the repair yard agreed with the inspector, and

(b) comply with any other conditions determined by the competent authorities of the flag administration and agreed by the inspector.

(3) Conditions imposed under this regulation must ensure that the ship can proceed without risk to the safety and health of passengers or crew, or risk to other ships, and without there being a material threat of harm to the marine environment.

Prohibition on detained ships requiring repair from entering port

14.—(1) Unless paragraph (2) or regulation 18 applies, a ship must not enter a port or anchorage within the United Kingdom following departure from a member state where it—

(a) was detained after an inspection revealed deficiencies clearly hazardous to safety, health or the environment, or

(b) was so detained and was allowed by the competent authority of the member state to proceed to the appropriate repair yard nearest to the port of detention.

(2) This paragraph applies where the owner of a ship that was detained after an inspection in accordance with paragraph (1)(a) or (b), has provided evidence to the satisfaction of the competent authority of the member state of detention that the ship fully complies with all—

(a) the conditions relating to the deficiencies identified by the inspector, and

(b) the applicable requirements of the Conventions.

Refusal of access

15. Subject to regulation 18, a ship must not enter a port or anchorage in the United Kingdom where a member state has issued a refusal of access notice in respect of the ship, unless that refusal of access notice has ceased to have effect in accordance with regulation 17.

Requirement to issue a refusal of access notice

16.—(1) The Secretary of State must issue a refusal of access notice in respect of a ship to which any of paragraphs (2) to (6) apply.

(2) This paragraph applies to a ship which—

(a) has been detained in the United Kingdom after an inspection reveals deficiencies clearly hazardous to safety, health or the environment, but

(b) proceeds to sea without complying with the conditions determined by the Secretary of State.

(3) This paragraph applies to a ship which—

(a) has been detained in the United Kingdom after an inspection reveals deficiencies clearly hazardous to safety, health or the environment but has been allowed by the Secretary of State to proceed to a specified port of repair, but

(b) proceeds to sea without calling into the specified port of repair or without complying with the conditions determined by the Secretary of State.

(4) This paragraph applies to a ship which is detained by the Secretary of State and which—

(a) flies the flag of a State which is on the black list, and

(b) has previously been detained twice or more in the course of the preceding 36 months in a port or anchorage of a member state.

(5) This paragraph applies to a ship which is detained by the Secretary of State and which—

(a) flies the flag of a State which is on the grey list, and

(b) has previously been detained twice or more in the course of the preceding 24 months in a port or anchorage of a member state.

(6) This paragraph applies to a ship which is detained by the Secretary of State and in respect of which three previous refusal of access notices have been issued.

Duration of refusal of access notice

17.—(1) A refusal of access notice issued by the Secretary of State takes effect—

(a) when the ship to which it applies leaves the port or anchorage where the refusal of access notice was issued; or

(b) where the ship to which it applies has already left the port or anchorage, when it is issued.

(2) A refusal of access notice issued by a member state in respect of a ship in circumstances where it has detained the ship after an inspection reveals deficiencies clearly hazardous to safety, health or the environment but the ship—

(a) proceeds to sea without complying with the conditions determined by the competent authority of the member state, or

(b) has been allowed by the competent authority of the member state to proceed to a specified port of repair but proceeds to sea without calling into the specified port of repair or without complying with the conditions determined by the competent authority of the member state,

ceases to have effect if the conditions in paragraph (3) are satisfied.

(3) The conditions for the purposes of paragraph (2) are that—

(a) the owner or master has provided evidence to the member state confirming that—

(i) the flag state of the ship is satisfied that the ship fully complies with all applicable requirements of the relevant Conventions and the Paris MOU,

(ii) the classification society used for the ship has issued a document confirming that the ship meets the technical standards that apply to the ship including, any evidence of any on-board visit it has undertaken prior to the issue of the document, and

(b) upon consideration of any evidence from the owner or master, that member state has lifted any refusal of access it imposed in consequence of the matters referred to in regulation 16(2) and (3).

(4) A refusal of access notice issued by a member state in respect of a ship which it has detained—

(a) in circumstances where the ship—

(i) flies the flag of a State which is on the black list; and

(ii) has previously been detained twice or more in the course of the preceding 36 months in a port or anchorage of a member state; or

(b) in circumstances where the ship—

(i) flies the flag of a State which is on the grey list, and

(ii) has previously been detained twice or more in the course of the preceding 24 months in a port or anchorage of a member state,

ceases to have effect in accordance with paragraph (5) or (6) or becomes permanent in accordance with paragraph (7).

(5) A first or second refusal of access notice in respect of a ship ceases to have effect—

(a) when such conditions as the Secretary of State considers relevant taking account of section 4 of the Paris MOU have been met, and

(b) if it is—

(i) the first refusal of access notice in respect of that ship, three months have passed from the date of issue of the notice, or

(ii) the second refusal of access notice in respect of that ship, twelve months have passed from the date of issue of the notice.

(6) A third refusal of access notice in respect of a ship ceases to have effect if—

(a) 24 months have passed from the date of issue of the notice,

(b) the ship flies the flag of a State which is not on the black list or the grey list,

(c) the statutory certificates and the classification certificates of the ship are issued by an organisation or organisations which are recognised by one or more member states,

(d) that ship is managed by a company with a high performance determined in accordance with its ships' deficiency and detention rates within the Paris MOU region(**a**), and

(e) such other conditions as the Secretary of State considers relevant taking account of section 4 of the Paris MOU have been met.

(7) A refusal of access notice becomes permanent where—

(a) it is a third refusal of access notice in respect of a ship,

(b) 24 months have elapsed beginning with the day on which the notice in sub-paragraph (a) was issued, and

(c) the conditions in paragraphs (6)(b) to (e) have not been met in relation to the ship.

(8) A refusal of access notice is permanent where it is in respect of a ship which has been detained in circumstances where three previous refusal of access notices have been issued in respect of the ship.

Exceptional circumstances when prohibited ships may be permitted to enter port

18.—(1) Notwithstanding regulations 14, 15, 16 and 17, the Secretary of State may allow a ship access to a specific port or anchorage in the United Kingdom where—

(a) the circumstances in paragraph (2) apply in relation to the ship, and

(b) the Secretary of State is satisfied that adequate measures to ensure safe entry of the ship have been implemented by its master.

(2) The circumstances are—

(a) force majeure,

(b) overriding safety considerations,

(c) the need to reduce or minimise the risk of pollution, or

(d) the need to have deficiencies rectified.

Rights of appeal and compensation

19.—(1) Regulations 20 and 21 apply in relation to the exercise of the power of detention or refusal of access in any Convention enactment except the Act and the Merchant Shipping (Survey and Certification) Regulations 2015(**b**).

(2) Section 96(**c**) of the Act (references of detention notices to arbitration) applies in relation to a refusal of access notice issued under these Regulations as it applies to a detention notice under section 95(3)(**d**) of that Act, as if it were modified as follows—

(**a**) A freely accessible performance calculator issued by the Paris MOU Organisation is available from their website (https ://parismou.org/PMoU-Procedures/company-performance-calculator).
(**b**) S.I. 2015/508, amended by S.I. 2018/53, 1221, 2022/41, 1169, 1219, 2024/280, 2025/1234, 1298.
(**c**) Section 96(7) was amended by the Tribunals, Courts and Enforcement Act 2007 (c. 15), Schedule 10, paragraph 26(2) and (3). Section 96(10) was repealed by the Arbitration Act 1996 (c. 23), Schedule 4, paragraph 1.
(**d**) Section 95(3) was amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), Schedule.1, paragraph 2(4).

(a) the references to "relevant inspector" were to a person making an inspection under these Regulations, and

(b) the following words were omitted—

(i) in subsection (1), "in pursuance of section 95(3)(b)",

(ii) in subsection (2), from "unless" to the end,

(iii) in subsection (3), "to whether the ship was or was not a dangerously unsafe ship", and

(iv) in subsection (5), "as a dangerously unsafe ship".

(3) Where a reference has been made under section 96 of the Act (references of detention notices to arbitration) in relation to a ship to which these Regulations applies, section 97 of the Act (compensation in connection with invalid detention of ship) applies as if, for subsection (1), there were substituted—

"(1) If, on a reference under section 96 relating to a detention notice or refusal of access notice issued in relation to a ship, the owner of the ship shows to the satisfaction of the arbitrator that—

(a) any matter did not constitute a valid basis for the relevant inspector's opinion, and

(b) there were no reasonable grounds for the inspector to form that opinion,

the arbitrator may award the owner compensation in respect of any loss suffered by him in consequence of the detention of the ship or the service of the refusal of access notice as the arbitrator thinks fit.".

Arbitration

20.—(1) A decision by an inspector to issue a detention notice or refusal of access notice in connection with the ship must be referred to a single arbitrator where—

(a) the owner or master of the ship requires this by a notice given to the inspector within 21 days from the service of the detention notice or refusal of access notice, and

(b) the notice given by the owner or the master of the ship relates to an opinion of the inspector on which the detention notice or refusal of access notice is based.

(2) Except in relation to Scotland, where the owner or master of the ship and the inspector are unable to agree an arbitrator—

(a) the arbitrator may be appointed by an independent arbitration organisation nominated for that purpose by agreement between the owner or master of the ship and the inspector, and

(b) where there is no agreement under paragraph (2)(a), the arbitrator may be appointed by the High Court following a request made by—

(i) one party, after giving written notice to the other party, or

(ii) the parties jointly.

(3) Where a notice is given in accordance with paragraph (1)(a) or (2)(b)(i), the giving of the notice does not suspend the operation of the detention notice or refusal of access notice.

(4) The arbitrator must have regard to any matter not specified in the detention notice or refusal of access notice which appears to the arbitrator to be relevant as to whether the ship was or was not liable to be detained or served with a refusal of access notice.

(5) Where the arbitrator decides, as respects a matter to which the reference relates, that in all the circumstances the matter did not constitute a valid basis for the inspector's opinion, the arbitrator must—

(a) cancel the detention notice or refusal of access notice, as the case may be, or

(b) affirm it with such modifications as the arbitrator may in the circumstances think fit.

(6) In any case other than one described in paragraph (5), the arbitrator must affirm the detention notice or refusal of access notice in its original form.

(7) The decision of the arbitrator must include a finding as to whether there was or was not a valid basis for the detention of the ship or for the service of a refusal of access notice.

(8) A person is not qualified for appointment as an arbitrator under this regulation unless that person is—

(a) a person holding a certificate of competency as a master mariner or as a marine engineer officer class 1, or a person holding a certificate equivalent to those certificates,

(b) a naval architect,

(c) a person falling within paragraph (9), or

(d) a person with special experience of shipping matters, of the fishing industry, or of activities carried on in ports.

(9) For the purposes of paragraph (8)(c) a person falls within this paragraph if that person—

(a) satisfies the judicial-appointment eligibility condition on a 7 year basis within the meaning of section 50 of the Tribunals, Courts and Enforcement Act 2007(**a**),

(b) is an advocate or solicitor in Scotland of at least 7 years' standing, or

(c) is a member of the bar of Northern Ireland or solicitor of the Court of Judicature of Northern Ireland of at least 7 years' standing.

(10) In connection with any functions under this regulation an arbitrator has the powers conferred on an inspector by section 259 of the Act.

(11) 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 parties is to be construed as a reference to a single arbiter so appointed or, in default of agreement, appointed by the sheriff.

Compensation for unjustified detention

21.—(1) Paragraph (2) applies where, on a reference under regulation 20 relating to a detention notice or refusal of access notice, the arbitrator decides that the owner or master has proved—

(a) that there was not a valid basis for the inspector's opinion referred to in regulation 20(1)(b), and

(b) that there were no reasonable grounds for the issue of the detention notice or refusal of access notice.

(2) The arbitrator must award the owner or master of the ship compensation in respect of any loss suffered in consequence of, as the case may be, the detention of the ship or the issue of a refusal of access notice, as the arbitrator thinks fit.

(3) Any compensation awarded under this regulation is payable by the Secretary of State.

(**a**) 2007 c. 15.

(4) In the application of this regulation to Scotland any reference to an arbitrator is to be construed as a reference to an arbiter.

Application of regulations 20 and 21 to ships detained under other Regulations

22.—(1) Regulations 20 and 21 apply in relation to the exercise of the power of detention contained in—

(a) any regulations made under the Merchant Shipping (Prevention of Oil Pollution) Order 1983(**a**);

(b) any regulations made under the Merchant Shipping (Prevention and Control of Pollution) Order 1987(**b**);

(c) any safety regulations made, or treated as made, under section 85(**c**) of the Act as they apply in relation to the exercise of a power of detention in accordance with these Regulations;

(d) regulation 8(2) of the Ship Recycling (Requirements in relation to Hazardous Materials on Ships) (Amendment etc.) Regulations 2018(**d**).

(2) Paragraph (1)(c) does not apply in relation to a ship which is not a United Kingdom ship in relation to—

(a) the Merchant Shipping (Ro-Ro Passenger Ships) (Stability) Regulations 2004(**e**);

(b) the Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2022(**f**).

Duty on pilots and port authorities to report anomalies

23.—(1) This regulation applies to a pilot falling within paragraph (2) who is—

(a) engaged in the berthing or unberthing of a ship at a port or anchorage in the United Kingdom, or

(b) engaged on a ship which—

(i) is in United Kingdom waters and bound for a port or anchorage in the United Kingdom, or

(ii) is in transit through United Kingdom waters.

(2) A pilot falls within this paragraph if—

(a) the pilot is authorised under section 3 of the Pilotage Act 1987(**g**);

(b) the pilot boards the ship in the United Kingdom.

(3) Where a pilot learns, in the course of their normal duties, that there are apparent anomalies which may prejudice the safe navigation of the ship, or which may pose a material threat of harm to the marine environment, the pilot must immediately inform—

(**a**) S.I. 1983/1106, amended by S.I. 1985/2002, 1991/2885, 1993/1580, 2015/664.
(**b**) S.I. 1987/470, amended by S.I. 1990/2595, 1997/2569, 1998/254, 2015/664.
(**c**) Section 85(1) was amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), section 8(2). Sections 85(1A) and (1B) were added by the Merchant Shipping and Maritime Security Act 1997, section 8(3). Section 85(3) was repealed in part and amended by the Merchant Shipping and Maritime Security Act 1997, section 8(4)(a) and (b) and Schedule 7, Part 1. Section 85(4) was amended by the Merchant Shipping and Maritime Security Act 1997, section 8(5). Section 85(8) was added by the Health Act 2006 (c. 28), section 5(4).
(**d**) S.I. 2018/1122, to which there are amendments not relevant to these Regulations.
(**e**) S.I. 2004/2884, amended by S.I. 2018/1221, 2023/984.
(**f**) S.I. 2022/1342 amended by S.I. 2025/1195, 1234.
(**g**) 1987 c. 21. Section 3(9A) and (10) were amended by the Local Government and Elections (Wales) Act 2021 (asc 1), Schedule 6, paragraph 3(a) and (b) and by S.I. 2002/808, 2003/1230, 2006/1031, 2020/671.

(a) where the pilot falls within paragraph (2)(a), the port authority which authorised the pilot,

(b) in any other case, the Secretary of State.

(4) A port authority must immediately inform the Secretary of State where it—

(a) receives information from a pilot in accordance with paragraph (3)(a), or

(b) learns, in the course of its normal duties, that a ship within its port has apparent anomalies which may prejudice the safety of the ship or poses a material threat of harm to the marine environment.

(5) The information provided in accordance with paragraph (3) or (4) must be in electronic format whenever possible and must include—

(a) the ship's name and IMO number,

(b) the flag under which the ship is sailing,

(c) the previous port of call,

(d) the port of destination, and

(e) a description of the apparent anomalies.

Duty on port authorities to report ship arrivals and departures, etc

24.—(1) A port authority must provide the information specified in paragraph (2) in respect of each ship calling at its port or anchorage to the Secretary of State, in a reasonable time and, whenever possible, in electronic format.

(2) The information is—

(a) the identifier of the port concerned,

(b) the ship's name, IMO number and call sign, and

(c) the ship's actual time of arrival or departure as appropriate.

(3) A port authority must also provide the Secretary of State with information in its possession about—

(a) a ship which fails to notify any information in accordance with—

(i) the Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003(**a**);

(ii) the Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) Regulations 2004(**b**);

(iii) Regulation (EC) No 725/2004(**c**) of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security;

(b) a ship which proceeds to sea without having complied with regulation 12 or 16 of the Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003;

(c) a ship which has been denied entry to, or expelled from, the port on security grounds.

(4) The information provided in accordance with paragraph (3) must include the ship's name, IMO number and call sign.

(**a**) S.I. 2003/1809, amended by S.I. 2009/1176, 2016/1211, 2018/68, 1221.
(**b**) S.I. 2004/2110, amended by S.I. 2005/1092, 2008/3145, 2011/2616, 2014/3306, 2018/68, 1221, 2019/42, 2020/673, 2024/636.
(**c**) EUR 2004/725, amended by S.I. 2019/308.

Complaints

25.—(1) Any complaint relating to a ship that is submitted to the Secretary of State, must be—

(a) assessed by the Secretary of State as quickly as possible to determine whether it is justified; and

(b) determined by reference to whichever of the Conventions is relevant to the subject-matter of the complaint.

(2) Where the complaint is determined to be justified, the Secretary of State must—

(a) if practicable, inform the complainant of that conclusion and of any follow-up action to be taken with regard to the complaint;

(b) if practicable, ensure that anyone directly concerned by that complaint can express their views;

(c) take such action as the Secretary of State considers necessary;

(d) inform the International Labour Organization if appropriate, of the complaint and action taken.

(3) Where the complaint is determined not to be justified, the Secretary of State must inform the complainant of the reasons for this conclusion if this is practicable.

(4) The Secretary of State must not reveal the identity of the complainant to the owner or master of the ship that is the subject of a complaint.

(5) An inspector interviewing any members of the crew of the ship concerning the complaint must ensure the confidentiality of complainants during any interviews.

Costs

26.—(1) All costs relating to any inspection for the purposes of, or in connection with, a refusal of access notice (including the lifting of a refusal of access notice) for which these Regulations provide are recoverable from the company, owner or their representative in the United Kingdom.

(2) Where a ship is detained for deficiencies in relation to the requirements of a Convention or to regulation 12(6), the owner or their representative in the United Kingdom is liable to pay—

(a) all costs of inspections which confirm or reveal—

(i) deficiencies in relation to the requirements of a Convention warranting the detention of the ship, or

(ii) that the ship is not equipped with a functioning voyage data recorder system when its use is compulsory in accordance with the Merchant Shipping (Safety of Navigation) Regulations 2020, and

(b) all costs relating to the detention in port or anchorage.

(3) Any detention in relation to deficiencies under these Regulations, or a Convention enactment must not be lifted until any appropriate fee payable and any other costs payable under paragraphs (1) and (2) have been paid, or the person to whom they are due has been provided with sufficient security for them.

(4) In paragraph (3), "appropriate fee" means in the case of a detention made in relation to deficiencies under these Regulations or a Convention enactment, a fee payable under the Merchant Shipping (Fees) Regulations 2018(**a**) in respect of an inspection leading to, or arising from, the detention.

(**a**) S.I. 2018/1104, amended by S.I. 2025/1103; there are other amending instruments, but none is relevant.

Offences and penalties

27.—(1) The owner and master of a ship are each guilty of an offence—

(a) if there is any contravention of the restriction on leaving port in regulation 8(3) (expanded inspections),

(b) if they fail to comply with regulation 9 (notification of the arrival of ships),

(c) if there is any contravention of a direction made under regulation 12(3)(b)(i) (contents of detention notices) in respect of the ship,

(d) if a ship to which regulation 12(7) (ship requires rectification) applies, fails to—

(i) proceed to the repair yard specified, or

(ii) comply with the requirement that the deficiency be rectified within 30 days,

(e) if the ship is permitted to leave a port under regulation 13(1) (detained ships permitted to proceed to an agreed repair yard) but fails to proceed to the agreed repair yard or to comply with any other conditions for the purposes of regulation 13(2), or

(f) if the ship enters a port or anchorage in breach of regulation 14(1) (prohibition on detained ships requiring repair from entering port) or 15 (refusal of access).

(2) The master of a ship commits an offence if that master fails to comply with a requirement of a detention notice in respect of the ship.

(3) A person commits an offence if that person obstructs an inspector or a person assisting the inspector.

(4) A pilot commits an offence if that pilot contravenes regulation 23(3) (requirement to report any anomalies).

(5) A port authority commits an offence if that port authority contravenes regulation 23(4) (pilot authorisation authority and anomalies relating to the ship), 24(1) or (3) (ship information).

(6) A person who commits an offence under—

(a) paragraph (1)(a), (b), (4) or (5), is liable on summary conviction to a fine not exceeding level 3 on the standard scale;

(b) paragraph (3), is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(7) A person who commits an offence under paragraph (1) (c), (d), (e), (f) or (2) is liable—

(a) on summary conviction—

(i) in England and Wales to a fine,

(ii) in Scotland or Northern Ireland to a fine not exceeding the statutory maximum, or

(b) on conviction on indictment to imprisonment for a term not exceeding two years, or a fine, or both.

(8) It is a defence—

(a) 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, and

(b) for a port authority charged under paragraph (5) with contravention of regulation 24 to prove that it had been informed by the Secretary of State that the Secretary of State was not ready to receive the information to which regulation 24 applies.

Consequential amendments and revocations

28. The statutory instruments set out under column 1 of the table in Schedule 4 are amended or revoked to the extent specified under column 2 of that table.

Signed by authority of the Secretary of State for Transport

Name
Parliamentary Under-Secretary of State
Date Department for Transport

We consent to the making of these Regulations

Name
Name
Date Two of the Lords Commissioners of His Majesty's Treasury

SCHEDULES

SCHEDULE 1

Regulation 10(a)

Information to be included in an inspection report

1. General—

(a) date and place of the inspection;

(b) name of the ship inspected;

(c) flag State;

(d) type of ship, as indicated in the Safety Management Certificate issued for the purposes of Regulation 4, Chapter IX of SOLAS;

(e) IMO number;

(f) the ship's call sign;

(g) gross tonnage;

(h) year of construction as determined on the basis of the date indicated in the ship's safety certificates;

(i) the name of each classification society and, if relevant any other organisation, which may have issued a classification certificate in respect of the ship;

(j) the name of the recognised organisation and any other party by whom certificates have been issued on behalf of the flag State, in respect of the ship, in accordance with the applicable Conventions;

(k) name and address of the ship's company;

(l) name and address of the charterer responsible for the selection of the ship and type of charter in the case of ships carrying liquid or solid cargoes in bulk;

(m) final date of writing the inspection report;

(n) a statement that specific information on an inspection or a detention may be published.

2. Information relating to inspection—

(a) details of certificates issued in application of the relevant Conventions and of the authority or organisation that issued each certificate, including the date of issue and expiry;

(b) in so far as it is possible to do so, the port and date of the last intermediate, annual or renewal survey as defined in section 2 of Annex 5 to the International Maritime Organization Survey Guidelines under the Harmonized System of Survey and Certification(**a**) and the name of the organisation which carried out the survey;

(c) nature of any deficiencies;

(d) the date by which any deficiency must be satisfactorily addressed by any measures taken.

3. Additional information in the event of detention—

(a) date of the detention notice;

(**a**) The guidelines were adopted on 6 December 2023 by Resolution A.1186(33). The guidelines may be obtained in hard copy from the International Maritime Organization, 4 Albert Embankment, London, SE1 7SR and from the IMO database (https://wwwcdn.imo.org/localresources/en/OurWork/IIIS/Documents/A%2033-Res.1186%20-%20SURVEY%20GUIDELINES%20UNDER%20THE%20HARMONIZED%20SYSTEMOF%20SURVEY%20AND%20CERTIFICATION%20(HSSC),%202023%20(Secretary-General).pdf).

(b) nature of the deficiencies warranting the detention notice, with references to the Conventions, if relevant;

(c) indication, if relevant, of whether the recognised organisation that carried out the survey referred to in paragraph 2(b) has a responsibility in relation to the deficiency which alone, or in combination with any other deficiency, led to detention of the ship;

(d) the date by which any deficiency must be satisfactorily addressed by any measures taken.

SCHEDULE 2

Regulation 11

Minimum criteria for an inspector

1.—(1) The Secretary of State is satisfied that the person—

(a) has the appropriate theoretical knowledge and practical experience of ships and their operation, and

(b) is competent in the enforcement of the requirements of the Conventions and the relevant Paris MOU procedures.

(2) The knowledge and competence required for the purposes of sub-paragraph (1) must be acquired through documented training programmes.

2. The person must, as a minimum, have either—

(a) passed professional examinations from a marine or nautical institution and gained relevant seagoing experience as a certified ship officer holding or having held a valid certificate of competency issued in accordance with the provisions of the STCW Regulation II/2 or Regulation III/2, not limited as regards the operating area or propulsion power or tonnage,

(b) passed a professional examination recognised by the Secretary of State to qualify as a naval architect, mechanical engineer or any other engineer working in a maritime field and worked in that capacity for at least five years, or

(c) a relevant university degree or equivalent, and have training and a qualification which the Secretary of State considers are sufficient, in relation to the inspection of ships from a safety perspective.

3. The person must have—

(a) completed a minimum of one year's service authorised by the Secretary of State either dealing with surveys and certification in accordance with the Conventions or involved in the monitoring of activities of recognised organisations, or

(b) gained, to the satisfaction of the Secretary of State, an equivalent level of competence by following a minimum of one year's field training participating in port state control inspections under the guidance of experienced port state control inspectors.

4. A person who meets the criteria set out in paragraph 2(a) must have gained maritime experience of at least 5 years including a period—

(a) as a deck or engine officer with at least two years experience in that role working at sea,

(b) as an inspector meeting the requirements of paragraph 3(a), or

(c) as an assistant to a port state control inspector carrying out inspections.

5. The Secretary of State is satisfied that the person has the ability to communicate orally and in writing with seafarers in English.

6. The Secretary of State is satisfied that the person has sufficient theoretical and practical experience in maritime security including—

(a) a good understanding of maritime security and how it is applied to the operations being examined;

(b) a good working knowledge of security technologies and techniques;

(c) a knowledge of inspection principles, procedures and techniques;

(d) a working knowledge of the operations being examined.

SCHEDULE 3

Regulation 12(5)

Criteria for detention of a ship

Introduction

1.—(1) Before determining whether deficiencies found during an inspection warrant detention of the ship involved, the inspector must apply the criteria under paragraphs 2 and 3.

(2) Paragraph 4 includes examples of deficiencies that may on their own warrant detention of the ship involved for the purposes of regulation 12(5).

(3) If the ground for detention is the result of accidental damage suffered on the ship's voyage to a port, no detention order shall be issued, provided that—

(a) due account has been given to the requirements contained in Chapter I, Regulation 11(c) of SOLAS regarding notification to the flag administration, the nominated surveyor or the recognised organisation responsible for issuing the relevant certificate,

(b) prior to entering a port, the master or owner has submitted to the Secretary of State details of the circumstances regarding the accident, the damage suffered by the ship and information about the required notification to the flag administration,

(c) appropriate remedial action is being taken by the ship to the satisfaction of the Secretary of State, and

(d) the Secretary of State has ensured that having been notified of the completion of the remedial action, that deficiencies which were clearly hazardous to safety, health or the environment have been rectified.

Main criteria

2.—(1) Ships which are unsafe to proceed to sea must be detained upon the first inspection irrespective of how much time the ship will stay in port.

(2) This sub-paragraph applies where the ship has deficiencies which are sufficiently serious to merit an inspector returning to the ship to ensure that those deficiencies have been rectified before the ship sails.

(3) Where sub-paragraph (2) applies, before the ship is permitted to depart, the Secretary of State must verify that the deficiencies have been rectified—

(a) following a further inspection of the ship by an inspector, or

(b) through some other means acceptable to the Secretary of State.

Application of main criteria

3.—(1) When deciding whether the deficiencies found in a ship are sufficiently serious to merit detention the inspector must assess whether—

(a) the ship has relevant, valid documentation required under the Conventions;

(b) the ship has the crew required for the purposes of the Minimum Safe Manning Document issued under SOLAS, Chapter V, Regulation 14.

(2) During inspection the inspector must further assess whether throughout the forthcoming voyage, the ship or the crew, or where relevant the ship and the crew, are able to—

(a) navigate safely;

(b) safely handle, carry and monitor the condition of the cargo;

(c) operate the engine room safely;

(d) maintain proper propulsion and steering;

(e) fight fires effectively in any part of the ship if necessary;

(f) abandon ship speedily and safely and effect rescue if necessary;

(g) prevent pollution of the environment;

(h) maintain adequate stability;

(i) maintain adequate watertight integrity;

(j) communicate in distress situations if necessary;

(k) provide safe and healthy conditions on board;

(l) provide the maximum of information in case of accident.

(3) Where the answer to any of the assessments under sub-paragraph (1) or (2) is negative, taking into account all deficiencies found, the ship must be strongly considered for detention.

(4) A combination of deficiencies of a less serious nature may also warrant the detention of the ship.

Deficiencies considered so serious that they may warrant detention of a ship

4.—(1) Matters to consider are as follows.

(2) The general matters to consider before detaining a ship are—

(a) if certificates and documents as required under the Conventions are lacking;

(b) that subject to sub-paragraph (3), the absence of required certificates does not by itself constitute a reason to detain ships flying the flag of States that are not party to a relevant Convention or which have not implemented another relevant instrument;

(c) if in applying the 'no more favourable treatment' provision in section 2, paragraph 2.3 of the Paris MOU, substantial compliance with the Conventions is required before the ship sails.

(3) The following sub-paragraphs include a non-exhaustive list of deficiencies, grouped under the relevant Conventions or Codes, or both, as listed below, which are considered of such a serious nature that they may warrant the detention of the ship involved.

(4) The deficiencies under SOLAS are—

(a) failure of the proper operation of propulsion and other essential machinery, as well as electrical installations;

(b) insufficient cleanliness of engine room, excessive amount of oily-water mixtures in bilges, insulation of piping, including exhaust pipes in engine room contaminated by oil, improper operation of bilge pumping arrangements;

(c) failure of the proper operation of the emergency generator, lighting, batteries and switches;

(d) failure of the proper operation of the main and auxiliary steering gear;

(e) absence, insufficient capacity or serious deterioration of personal life-saving appliances, survival craft and launching arrangements;

(f) absence, non-compliance or substantial deterioration of the fire detection system, fire alarms, firefighting equipment, fixed fire-extinguishing installation, ventilation valves, fire dampers, quick-closing devices to the extent that they cannot comply with their intended use;

(g) absence, substantial deterioration or failure of proper operation of the cargo deck area fire protection on tankers;

(h) absence, non-compliance or serious deterioration of lights, shapes or sound signals;

(i) absence or failure of the proper operation of the radio equipment for distress and safety communication;

(j) absence or failure of the proper operation of navigation equipment, taking the provisions of SOLAS, Chapter V, Regulation 16.2 into account;

(k) absence of corrected navigational charts, or all other relevant nautical publications necessary for the intended voyage, or both, taking into account that a type approved electronic chart display and information system operating on official data may be used as a substitute for the charts;

(l) absence of non-sparking exhaust ventilation for cargo pump rooms;

(m) number, composition or certification of the crew not corresponding with SOLAS, Chapter V, Regulation 14;

(n) failure to carry out the enhanced survey programme in accordance with SOLAS Chapter XI-1, Regulation 2.

(5) The deficiencies under the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk(**a**) ("the IBC Code") Code are—

(a) transport of a substance not mentioned in the Certificate of Fitness issued for the purposes of the IBC Code under MARPOL or missing cargo information;

(b) missing or damaged high-pressure safety devices;

(c) electrical installations not intrinsically safe or not corresponding to code requirements;

(d) sources of ignition in hazardous locations;

(e) contraventions of special requirements;

(f) exceeding of maximum allowable cargo quantity per tank;

(g) insufficient heat protection for sensitive products.

(6) The deficiencies under the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk(**b**) are—

(a) transportion of a substance not mentioned in the Certificate of Fitness or missing cargo information;

(b) missing closing devices for accommodation or service spaces;

(c) bulkhead not gastight;

(d) defective air locks;

(e) missing or defective quick-closing valves;

(**a**) The complete text of the IBC Code was replaced on 1 January 2007 by IMO Resolution MSC.176(79) / MEPC.119(52). The IBC Code may be obtained in hard copy from the International Maritime Organization of 4 Albert Embankment, London, SE1 7SR.

(**b**) Also referred to as the IGC Code. The complete text of this Code was replaced on 1 January 2016 by IMO Resolution MSC. 370(93). The Code may be obtained in hard copy from the International Maritime Organization of 4 Albert Embankment, London, SE1 7SR.

(f) missing or defective safety valves;

(g) electrical installations not intrinsically safe or not corresponding to code requirements;

(h) ventilators in cargo area not operable;

(i) pressure alarms for cargo tanks not operable;

(j) gas detection plant or toxic gas detection plant, or both, are defective;

(k) transport of substances is to be inhibited without valid inhibitor certificate.

(7) The deficiencies under the International Convention on Load Lines 1966 are—

(a) significant areas of damage or corrosion, or pitting of plating and associated stiffening in decks and hull affecting seaworthiness or strength to take local loads, unless proper temporary repairs for a voyage to a port for permanent repairs have been carried out;

(b) a recognised case of insufficient stability for the purposes of any applicable Convention requirement;

(c) the absence of sufficient and reliable information, in an approved form, which by rapid and simple means, enables the master to arrange for the loading and ballasting of the ship in a way—

(i) that a safe margin of stability is maintained at all stages and at varying conditions of the voyage, and

(ii) that the creation of any unacceptable stresses in the ship's structure are avoided;

(d) absence, substantial deterioration or defective closing devices, hatch closing arrangements and watertight doors;

(e) overloading;

(f) absence of a draught mark or the draught mark is impossible to read.

(8) The deficiencies under Annex I of MARPOL are—

(a) absence, serious deterioration or failure of proper operation of the oily-water filtering equipment, the oil discharge monitoring and control system or the 15 parts per million alarm arrangements under regulation 15, Annex I of MARPOL;

(b) remaining capacity of slop or sludge tank, or both, is insufficient for the intended voyage;

(c) oil Record Book not available;

(d) unauthorised discharge bypass fitted;

(e) survey report file missing or not in conformity with Regulation 13G(3)(b) of MARPOL.

(9) The deficiencies under Annex II of MARPOL are—

(a) absence of the Procedures and Arrangements Manual for the purposes of regulation 14, Annex II of MARPOL;

(b) cargo is not categorised;

(c) no cargo record book available;

(d) transport of oil-like substances without meeting the requirements or without an appropriately amended certificate;

(e) unauthorised discharge bypass fitted.

(10) The deficiencies under Annex V of MARPOL are—

(a) absence of the garbage management plan;

(b) no garbage record book available;

(c) ship's personnel not familiar with disposal/discharge requirements of garbage management plan.

(11) The deficiencies under the STCW and the Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2022(**a**) are—

(a) failure of seafarers to hold a certificate of proficiency, to have an appropriate certificate of proficiency, to have a valid dispensation or to provide documentary proof that an application for an endorsement has been submitted to the flag administration;

(b) evidence that a certificate has been fraudulently obtained or the holder of a certificate is not the person to whom that certificate was originally issued;

(c) failure to comply with the applicable safe manning requirements of the flag administration;

(d) failure of navigational or engineering watch arrangements to conform to the requirements specified for the ship by the flag administration;

(e) absence in a watch of a person qualified to operate equipment essential to safe navigation, safety radio communications or the prevention of marine pollution;

(f) failure to provide proof of professional proficiency for the duties assigned to seafarers for the safety of the ship and the prevention of pollution;

(g) inability to provide for the first watch at the commencement of a voyage and for subsequent relieving watches persons who are sufficiently rested and otherwise fit for duty.

(12) The deficiencies under the Maritime Labour Convention 2006 ("MLC") are—

(a) insufficient food for voyage to next port;

(b) insufficient potable water for voyage to next port;

(c) excessively unsanitary conditions on board;

(d) no heating in accommodation of a ship operating in areas where temperatures may be excessively low;

(e) insufficiently ventilated accommodation;

(f) excessive garbage, blockage by equipment or cargo or otherwise unsafe conditions in passageways/accommodations;

(g) clear evidence that watchkeeping and other duty personnel for the first watch or subsequent relieving watches are impaired by fatigue;

(h) the conditions on board are clearly hazardous to the safety, health or security of seafarers;

(i) the non-conformity constitutes a serious or repeated breach of the requirements of MLC (including seafarer's rights) relating to the living and working conditions of seafarers on the ship, as stipulated in the ship's maritime labour certificate and declaration of maritime labour compliance.

Other areas which may not warrant a detention, but where, for example, cargo operations have to be suspended

5. Failure of the proper operation or maintenance of the inert gas system, cargo-related gear or machinery are considered to be sufficient grounds for stopping cargo operation.

(**a**) S.I. 2022/1342 amended by S.I. 2025/1195, 1234.

SCHEDULE 4

Regulation 28

Consequential amendments and revocations

Column 1	Column 2
The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Electromagnetic Fields) Regulations 2016(**a**)	In regulation 17 for— (a) "14, 15 and 16" substitute "19, 20 and 21", and (b) for "2011" substitute "2026".
The Fishing Vessels (Codes of Practice) Regulations 2017(**b**)	In regulation 16— (a) for "14, 15 and 16" substitute "19, 20 and 21", and (b) for "2011" substitute "2026".
The Merchant Shipping (Prevention of Pollution from Noxious Liquid Substances in Bulk) Regulations 2018(**c**)	In regulation 37— (a) in paragraph (1)— (i) for "15 and 16" substitute "20 and 21", (ii) for "2011 (arbitration and compensation)" substitute "2026 (arbitration and compensation for unjustified detention)", (b) omit paragraph (2)(b)(ii), and (c) in paragraph (2)(c), for "16(2)" substitute "21(3)".
The Merchant Shipping (Fees) Regulations 2018(**d**)	(1) In regulation 7(2), omit sub-paragraph (d). (2) In Schedule 1 (fees under the Merchant Shipping Act 1995), in paragraph 2(1)(e) of Part 1 (surveys, inspections and applications for exemption) for "Part I of the Merchant Shipping (Port State Control) Regulations 2011 applies", substitute "the Merchant Shipping (Port State Control) Regulations 2026 apply". (3) In Schedule 1 (fees under the Merchant Shipping Act 1995), in the table in paragraph 5 (fees for inspections, etc) of Part 1 (surveys, inspections and applications for exemption), in section F (fishing vessel safety), in the entry for the Fishing Vessels (Codes of Practice) Regulations 2017, in the third column, for "None" substitute "2026/XXXX". (4) In Schedule 1 (fees under the Merchant Shipping Act 1995), in the table in paragraph 5 (fees for inspections, etc) of Part 1 (surveys, inspections and applications for exemption), in section J (prevention and control of pollution)— (a) in the entry for the Merchant Shipping (Prevention of Pollution from Noxious Liquid Substances in Bulk) Regulations 2018, in the third column, for "None" substitute "2026/XXXX", (b) in the entry for the Merchant Shipping (Prevention of Oil Pollution) Regulations 2019, in the third column, after "2024/1296" insert "2026/XXXX", (c) in the entry for the Merchant Shipping (Prevention of Pollution by Sewage from Ships) Regulations

(**a**) S.I. 2016/1026.
(**b**) S.I. 2017/943, to which there is an amendment not relevant to these Regulations.
(**c**) S.I. 2018/68, to which there are amendments not relevant to these Regulations.
(**d**) S.I. 2018/1104, to which there are amendments not relevant to these Regulations.

	2020, in the third column, after "2022/1234" insert "2026/XXXX", (d) in the entry for the Merchant Shipping (Prevention of Pollution by Garbage from Ships) Regulations 2020, in the third column, after "2024/570" insert "2026/XXXX", (e) in the entry for the Merchant Shipping (Control and Management of Ships' Ballast Water and Sediments) Regulations 2022, for "None" substitute "2026/XXXX". (5) In Schedule 1 (fees under the Merchant Shipping Act 1995), in the table in paragraph 5 (fees for inspections, etc) of Part 1 (surveys, inspections and applications for exemption), in section L (survey and certification), in the entry for the Merchant Shipping (Inspections of Ro-Ro Passenger Ships and High-Speed Passenger Craft) Regulations 2023, for "None" substitute "2026/XXXX".
The Ship Recycling (Requirements in relation to Hazardous Materials on Ships) (Amendment etc.) Regulations 2018(**a**)	(1) Regulation 7 is revoked. (2) In the Heading of regulation 8, for "Part 1 of the Merchant Shipping (Port State Control) Regulations 2011 does" substitute "the Merchant Shipping (Port State Control) Regulations 2026 do". (3) In regulation 8(1), for "Part 1 of the Merchant Shipping (Port State Control) Regulations 2011 does" substitute "the Merchant Shipping (Port State Control) Regulations 2026 do".
The Merchant Shipping (Miscellaneous Provisions) (Amendments etc.) (EU Exit) Regulations 2018(**b**)	In the Schedule (amendments of secondary legislation on exit day), paragraph 23 is revoked.
The Merchant Shipping (Prevention of Oil Pollution) Regulations 2019(**c**)	In regulation 41— (a) in paragraph (1)— (i) for "15 and 16 of the Merchant Shipping (Port State Control) Regulations 2011 (arbitration and compensation)" substitute "20 and 21 of the Merchant Shipping (Port State Control) Regulations 2026 (arbitration and compensation for unjustified detention)", and (ii) omit "Part 1 of", (b) in paragraph (2)— (i) in sub-paragraph (b)— (aa) in paragraph (i), for "16(1)" substitute "21(1)", (bb) omit paragraph (ii), (cc) in paragraph (iii), for "15 and 16" substitute "20 and 21", (dd) in paragraph (iv), for "15(4)" substitute "20(4)", (ee) in paragraph (v), for "15(7)" substitute "20(7)", and (ii) in sub-paragraph (c), for "16(2)" substitute "21(3)".
The Merchant Shipping (Prevention of Air Pollution	Regulation 3 is revoked.

(**a**) S.I. 2018/1122, to which there are amendments not relevant to these Regulations.
(**b**) S.I. 2018/1221, to which there are amendments not relevant to these Regulations.
(**c**) S.I. 2019/42, to which there are amendments not relevant to these Regulations.

from Ships) (Miscellaneous Amendments) Regulations 2019(**a**)	
The Merchant Shipping (Port State Control and Prevention of Pollution from Noxious Liquid Substances in Bulk) (Amendment) Regulations 2020(**b**)	Regulation 2 is revoked.
The Merchant Shipping (Prevention of Pollution by Sewage from Ships) Regulations 2020(**c**)	In regulation 29— (a) in paragraph (1)— (i) for "15 (arbitration) and 16 (compensation)" substitute "20 (arbitration) and 21 (compensation for unjustified detention)", (ii) for "2011" substitute "2026", and (iii) omit "Part 1 (implementation of Directive 2009/16/EC) of", (b) in paragraph (2)— (i) omit sub-paragraph (b)(ii), and (ii) in sub-paragraph (c), for "16(2)" substitute "21(3)".
The Merchant Shipping (Prevention of Pollution by Garbage from Ships) Regulations 2020(**d**)	In regulation 20— (a) in paragraph (1)— (i) for "15 (arbitration) and 16 (compensation)" substitute "20 (arbitration) and 21 (compensation for unjustified detention)", (ii) for "2011" substitute "2026", and (iii) omit "Part 1 (implementation of Directive 2009/16/EC) of", (b) in paragraph (2)— (i) omit sub-paragraph (b)(ii), and (ii) in sub-paragraph (c), for "16(2)" substitute "21(3)".
The Merchant Shipping (Control and Management of Ships' Ballast Water and Sediments) Regulations 2022(**e**)	In regulation 43— (a) in paragraph (1)— (i) for "15 (arbitration) and 16 (compensation)" substitute "20 (arbitration) and 21 (compensation for unjustified detention)", (ii) for "2011" substitute "2026", and (iii) omit "Part 1 (implementation of Directive 2009/16/EC) of", (b) in paragraph (2)— (i) omit sub-paragraph (b)(ii), and (ii) in sub-paragraph (c), for "16(2)" substitute "21(3)".
The Merchant Shipping (Inspections of Ro-Ro Passenger Ships and High-Speed Passenger Craft) Regulations 2023(**f**)	In regulation 2(1), in the definition of "port state control inspection", for "2011" substitute "2026".

(**a**) S.I. 2019/940.
(**b**) S.I. 2020/496.
(**c**) S.I. 2020/620, to which there are amendments not relevant to these Regulations.
(**d**) S.I. 2020/621, to which there is an amendment not relevant to these Regulations.
(**e**) S.I. 2022/737, to which there are amendments not relevant to these Regulations.
(**f**) S.I. 2023/984.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The United Kingdom is a signatory to the Paris Memorandum of Understanding on Port State Control which provides an international regime for the enforcement of standards for ship safety, pollution prevention and shipboard living and working conditions.

These Regulations revoke and replace the Merchant Shipping (Port State Control) Regulations 2011 (S.I. 2011/2601) (the 2011 Regulations) which apply to ships that are flagged with foreign States and which call at a port or anchorage in the United Kingdom. The 2011 Regulations are secondary assimilated EU law within the meaning of section 12(2) of the Retained EU Law (Revocation and Reform) Act 2023 (c.28).

In these Regulations—

— regulations 1 to 8 set out the commencement, extent, revocation and interpretive provisions and information about the ships to which the Regulations apply and inspections of those ships;

— regulations 9 provides for the prior notification requirements relating to a ship due to call at a port or anchorage within the United Kingdom;

— regulation 10 and Schedule 1 provide for an inspection report to be completed following an inspection of a ship and for a copy to be provided to the master of the ship and regulation 11 and Schedule 2 provide for the qualification criteria to be satisfied by inspectors;

— regulation 12 and Schedule 3, regulations 13 to 14 deal with all the matters related to the rectification and detention of ships and circumstances when such ships may be permitted to proceed to an appropriate repair yard;

— regulations 15 to 17, provide for the issuing of refusal of access notices to ships and the effect of such notices;

— regulation 18 provides for exceptional circumstances under which prohibited ships may be permitted to enter a port;

— regulations 19 to 21 set out rights of appeal, arbitration and compensation in relation to these Regulations;

— regulation 22 provides for the additional application of regulation 20 and 21 to certain specified Regulations;

— regulations 23 and 24 impose a duty on pilots and port authorities to report anomalies concerning ship arrivals and departures;

— regulation 25 makes provision in relation to complaints about a ship made to the Secretary of State and regulation 26 makes provision as to the payment of costs for inspections in connection with a refusal of access notice or detention of a ship;

— regulation 27 provides for offences and penalties for contraventions of these Regulations;

— regulation 28 and Schedule 4 set out the consequential amendments and revocations that need to be made to other Statutory Instruments in order to update cross-references to the Merchant Shipping (Port State Control) Regulations 2011.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

Instead, a de minimis assessment has been prepared and has been published, with an Explanatory Memorandum, alongside the instrument on www.legislation.gov.uk.

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