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STATUTORY INSTRUMENTS

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**2008 No. 2924**

**The Merchant Shipping (Prevention of Air Pollution from Ships) Regulations 2008**

**PART 4**

**Inspections, Detentions and Offences**

**Inspection of ships**

**26.**—(1) In so far as sections 258 and 259 of the 1995 Act<sup>(1)</sup> (powers to inspect ships and their equipment, powers of inspectors in relation to premises and ships) apply in relation to a ship to which any of these Regulations apply, for the purposes of checking compliance with these Regulations those sections have effect subject to the following modifications.

(2) The power in those sections to inspect a ship and its equipment, any part of the ship, any articles on board and any documentation carried in the ship, is limited to—

- (a) verifying whether an appropriate certificate has been issued in respect of the ship and is still valid,
- (b) verifying whether documentation referred to in regulation 19(2) (“appropriate documentation”) has been issued in respect of the ship and is still valid,
- (c) investigating any operation regulated by these Regulations, if there are clear grounds for believing that the master or the crew are not familiar with essential shipboard procedures relating to the prevention of air pollution,
- (d) verifying whether the ship has emitted any substances in violation of these Regulations,
- (e) inspecting the log book entries required under regulation 22(5), or
- (f) inspecting bunker delivery notes that are to be made available for inspection under regulation 25(8)(a),

except where there are clear grounds for believing that the condition of the ship or its equipment does not correspond substantially with the particulars of the appropriate certificate or other appropriate documentation referred to in sub-paragraph (a) and (b).

(3) The power in those sections to go on board a ship may only be exercised if the ship in question is in a port or offshore terminal in the United Kingdom.

(4) Where the ship is inspected for the purposes of paragraph (2)(d) and is not a United Kingdom ship, the person exercising the powers of inspection must ensure that the report of the inspection is sent to—

- (a) the consul or diplomatic representative of the State whose flag the ship is entitled to fly or the appropriate maritime authorities of that State, and
- (b) any other Party to the Convention that requested the inspection.

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(1) Section 258 was amended by the Merchant Shipping and Maritime Security Act 1997 (c.28), Schedule 1, paragraph (4).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (5) Where log book entries are inspected under paragraph (2)(e), or bunker delivery notes are inspected under paragraph (2)(f), the person exercising the power of inspection may—
- (a) make a copy of an entry in that book, and
  - (b) require the master of the ship to certify that the copy is a true copy of the original.
- (6) Any copy certified in accordance with paragraph (5) is to be admissible in any judicial proceeding as evidence of the facts stated in it.