
STATUTORY INSTRUMENTS

2008 No. 3257

The Merchant Shipping (Prevention of Pollution by Sewage and Garbage from Ships) Regulations 2008

PART 7

Inspections, Detentions and Offences

Inspection of ships

36.—(1) In so far as sections 258 and 259 of the 1995 Act⁽¹⁾ (powers to inspect ships and their equipment, and 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 document carried in the ship, is limited to—

- (a) verifying whether a Sewage 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 pollution by sewage or garbage, as the case may be,
- (d) verifying whether the ship has discharged any sewage or disposed of any garbage in violation of these Regulations, or
- (e) inspecting the garbage record book kept aboard the ship,

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 Sewage Certificate or other appropriate documentation referred to in sub-paragraph (a) or (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) a port in the United Kingdom, in so far as the power is exercised to investigate an operation relating to garbage, or
- (b) a port or offshore terminal in the United Kingdom in any other case.

(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

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

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- (b) any other Party to the Convention who requested the inspection.
- (5) Where the garbage record book is inspected under paragraph (2)(e), 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 such an entry.
- (6) That certified copy is to be admissible in any judicial proceedings as evidence of the facts stated in it.