

---

STATUTORY INSTRUMENTS

---

**2008 No. 3257**

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

**PART 2**

**Sewage: Survey and Certification of Ships**

**Responsibilities of the owner and master of a ship**

9.—(1) The owner and the master of a ship to which this regulation applies must ensure that the condition of the ship and its equipment are maintained to conform with the provisions of Parts 3 and 4 so as to ensure that the ship in all respects remains fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment.

(2) The owner and the master of a ship to which this regulation applies must ensure that after any survey of the ship required by this Part has been completed, no change, except by way of direct replacement, is made to the infrastructure of that ship covered by the survey without the approval of—

- (a) the Certifying Authority who appointed the surveyor to carry out the survey, or
- (b) the Secretary of State, where the Sewage Certificate was issued by a Contracting Government” following a request made pursuant to regulation 12,

as the case may be.

(3) Whenever—

- (a) an accident occurs to a ship, or
- (b) a defect is discovered in a ship,

which substantially affects the integrity of the ship or the efficiency or completeness of the equipment of the ship required under Part 3, the owner and the master of the ship must ensure that the requirements of paragraph (4) are complied with.

(4) The requirements are that—

- (a) the accident or defect, as the case may be, is reported at the earliest opportunity to the Certifying Authority who issued the Sewage Certificate in respect of the ship, and
- (b) in the case of a ship in a port outside the United Kingdom, the accident or the defect, as the case may be, is also immediately reported to the appropriate maritime authorities in the country in which the port is situated.

(5) Whenever an accident or defect is reported to a Certifying Authority in accordance with paragraph (4)(a), the Certifying Authority—

- (a) must cause an investigation to be initiated to determine whether or not an additional survey is necessary, and
- (b) if it considers that an additional survey is necessary, must cause that survey to be carried out.

---

**Status:** This is the original version (as it was originally made).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

---

(6) Whenever an accident or defect is reported to a Certifying Authority in accordance with paragraph (4)(a) and the ship in question is in a port outside the United Kingdom, the Certifying Authority must take all appropriate steps to ascertain that the requirement in paragraph (4)(b) has been complied with.