
STATUTORY INSTRUMENTS

2020 No. 621

**The Merchant Shipping (Prevention of Pollution
by Garbage from Ships) Regulations 2020**

PART 5

Enforcement

Inspection of ships

16.—(1) Insofar as sections 258(1) (powers to inspect ships and their equipment etc.) and 259 (powers of inspectors in relation to premises and ships) of the 1995 Act apply in relation to a ship to which these Regulations apply, for the purpose of checking compliance with these Regulations those sections have effect subject to the following modifications.

(2) The power 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) 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 for preventing pollution by garbage;
- (b) verifying whether garbage has been discharged from the ship in violation of these Regulations;
- (c) inspecting the garbage management plan;
- (d) inspecting the garbage record book; or
- (e) inspecting the log-book.

(3) The power in those sections to go on board a ship may only be exercised if the ship is—

- (a) in a port in the United Kingdom;
- (b) at an offshore terminal in United Kingdom waters or controlled waters;
- (c) a fixed platform in United Kingdom waters or controlled waters; or
- (d) a floating platform in United Kingdom waters or controlled waters, other than a floating platform which is in transit.

(4) Where the ship is inspected for the purposes of paragraph (2)(b) 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) a diplomatic representative of the ship's flag State or the appropriate maritime authorities of that State; and
- (b) any other party to the Convention who requested the inspection.

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

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- (5) Where the garbage record book is inspected under paragraph (2)(d) or the log-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 the original.
- (6) Any copy certified in accordance with paragraph (5) is to be admissible in any judicial proceedings as evidence of the facts stated in it.