



Maritime and Coastguard Agency

MARINE GUIDANCE NOTE

MGN 385 (M+F)

Guidance on the Merchant Shipping (Prevention of Pollution by Sewage and Garbage from Ships) Regulations 2008

Notice to all UK Shipowners, Masters and Officers of Merchant Ships and Skippers of Fishing Vessels

This notice should be read in conjunction with the following documents:

- The Merchant Shipping (Prevention of Pollution by Sewage and Garbage from Ships) Regulations 2008 - SI No. 3257*
- MSN 1807 The Merchant Shipping (Prevention of Pollution by Sewage and Garbage from Ships) Regulations 2008 SI No 3257.*
- MGN 33 Sewage systems on ships: associated hazards, installations and maintenance*
- Statutory Instrument 2003/1809 : The Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003, as amended by the Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) (Amendment) Regulations 2009*
- MGN 387 Guidance on the Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Amendment Regulations 2009.*

PLEASE NOTE:-

Where this document provides guidance on the law it should not be regarded as definitive. The way the law applies to any particular case can vary according to circumstances - for example, from vessel to vessel and you should consider seeking independent legal advice if you are unsure of your own legal position.

Summary

This MGN

- Provides details and guidance on the interpretation of UK Statutory Instrument (SI) 2008 No.3257. The Merchant Shipping (Prevention of Pollution by Sewage and Garbage from Ships) Regulations 2008. In this MGN they will be referred to as the 2008 Regulations.

1. Introduction

1.1 The Merchant Shipping (Prevention of Pollution by Sewage and Garbage from Ships) Regulations 2008 ("the 2008 Regulations") implement both:

- Annex IV (Sewage) of the International Maritime Organization's (IMO) International Convention for the Prevention of Pollution from Ships, 1973, as

modified by the Protocol of 1978 relating thereto (MARPOL 73/78); this is the Annex IV adopted by the Marine Environment Protection Committee of the IMO on 1 April 2004, plus further amendments adopted up to the 2008 Regs being signed; and

- Annex V (Garbage) of MARPOL 73/78, by revoking the Merchant Shipping (Prevention of Pollution by Garbage) Regulations 1998 and implementing the changes made to Annex V (Garbage) of MARPOL 73/78 by the IMO, since 1998 up to the 2008 Regulations being signed.

1.2 This document is divided into three parts, the first providing new guidance for ships on sewage management, treatment and discharge, the second providing new guidance for ships on garbage management, treatment and discharge (which includes general guidance on Annex V and guidance on the changes made to this Annex by the IMO since 1998), and the third highlighting Port State Control and Flag State Control issues and the offences being implemented by this legislation.

Part One: Sewage

2. Application

2.1 The sewage elements of the Merchant Shipping (Prevention of Pollution by Sewage and Garbage from Ships) Regulations 2008 apply to those ships highlighted in Paragraph 2.2, wherever they may be if they are United Kingdom ships. However if the ship in question is a foreign ship, then these Regulations apply whilst it is in UK waters, controlled waters and, in relation to the discharge of sewage, any other waters which are sea. In this MGN, "foreign ship" is used to mean a ship which is not a UK ship. It could be registered outside the UK, or it might not be registered anywhere, and not be wholly British owned.

2.2 These requirements apply to the following ships engaged in international voyages

- a ship of 400 gross tonnage or above; and
- a ship of less than 400 gross tonnage which is certified to carry more than 15 persons,

It should also be noted that as the expression "ship" in the 2008 Regulations includes fixed and floating platforms, the requirements also apply to offshore installations which are engaged in international voyages e.g. drilling rigs. The definition of international voyage is:

- "international voyage" means a voyage from a country to which the Convention applies to a port outside that country, or conversely;

However, regulation 20 of the 2008 Regulations provides for ships which fall outside the scope of the 2008 Regulations to voluntarily opt into the provisions of the sewage requirements by requesting survey and certification.

2.3 The 2008 Regulations do not apply to any warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on Government, non-commercial service. However, as a matter of good practice these ships are recommended to comply.

2.4 The 2008 Regulations, so far as they relate to sewage, apply to an old ship, i.e. a ship whose keel was laid, or which was at a similar stage of construction, before 2 October

1983. However the owners of such ships have to ensure that the ship is equipped, so far as practicable, to meet the sewage discharge requirements outlined in regulation 24 or 25 of the Regulations, as outlined in Section 5 of this document.

- 2.5 For smaller ships further specialist guidance will be given through the future revision of MGN 280 - Small Vessels in Commercial Use for Sport or Pleasure, Workboats and Pilot Boats - Alternative Construction Standards.
- 2.6 Please note that the Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003 (SI 2003/1809) as recently amended provide the legislative background for the provision of Port Waste Reception Facilities in the UK.

3 Key Definitions

- 3.1 “sewage” means—
- (i) drainage and other wastes from any form of toilets and urinals,
 - (ii) drainage from medical premises (dispensary, sick bay, etc) via wash basins, wash tubs and scuppers located in such premises,
 - (iii) drainage from spaces containing living animals, or
 - (iv) other waste waters when mixed with any drainage referred to in sub-paragraph (i), (ii) or (iii) above.
- 3.2 “discharge”, in relation to sewage, means any release howsoever caused from a ship, and, without prejudice to the generality of the foregoing, includes any escape, disposal, spilling, leaking, pumping, emitting or emptying.
- 3.3 A “discharge” does not include—
- (i) dumping within the meaning of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, signed at London on 13th November 1972, as amended by the 1996 Protocol; or,
 - (ii) the release of sewage for the purposes of legitimate scientific research into pollution abatement or control.
- 3.4 Please see regulation 2 of these Regulations for all other relevant definitions.

4. Equipment Requirements

- 4.1 All ships to which the sewage requirements apply must have at least one of the following by the date these Regulations enter into force:
- (i) a sewage treatment plant which complies with the Merchant Shipping (Marine Equipment) Regulations 1999 as amended, or
 - (ii) a sewage comminuting and disinfecting system which meets the standards for such systems set out in MSN 1807, and is fitted with facilities for temporary storage of sewage which meet the standards set out in that MSN; or
 - (iii) a holding tank for the retention of sewage which meets the construction standards set out in MSN 1807, and has sufficient capacity, and has a visual indicator of the amount of its contents.

- 4.2 In addition, it is recommended that all storage/holding tanks should adhere to the design and construction guidance contained in MGN 33, specifically that relating to ventilation.
- 4.3 All ships should have in place equipment to allow their sewage discharge pipeline to connect with a pipe of a facility for the reception of sewage on land. The standard discharge coupling dimensions are outlined in MSN 1807.
- 4.4 The size of the holding tank should be based on the ship's intended usage and the number of people using the toilet. Various estimations of the sewage holding capacity for ships have been made and these vary depending upon the system installed. Therefore, when considering fitting any sewage holding tank, please follow the guidelines provided by the manufacturer or the retailer concerning capacity and installation, and relate it to the period of time that the facility will have to be used (Please see Paragraph 5.2). For larger holding tanks the effect on stability of the ship also needs to be considered, due to the potential sloshing effect of the contents. The holding tank must also have a means to indicate visually the amount of its contents.
- 4.5 Ship owners applying to the MCA for confirmation that their comminuting and disinfecting systems meet the standards set out in MSN 1807 should submit their applications to the MCA, Environmental Policy Branch, HQ. The application must include:
- (i) details of the ship, Ship name, IMO number, Port of registry;
 - (ii) covering letter explaining the proposed system to be fitted and how the system complies with the standard set out in MSN 1807;
 - (iii) schematic diagram of the systems components;
 - (iv) technical specification of the dosing unit and maceration pump; and,
 - (v) a copy of the operating procedure.

5 Discharge Controls

- 5.1 The 2008 Regulations apply discharge controls which permit ships to which the sewage requirements apply to discharge sewage.
- 5.2 These controls are outlined below:
- (i) if the ship has a type approved and certified sewage treatment plant operating on board the ship, then sewage can be discharged so long as:
 - (a) the Sewage Certificate relating to that ship contains the test results of the sewage treatment plant; and
 - (b) as a result of the discharge there are no visible floating solids, and there is no discoloration of the water into which the sewage is discharged.
 - (ii) if the ship has an approved sewage comminuting and disinfecting system which is fitted with facilities for the temporary storage of sewage, then treated sewage may be discharged from a ship into the sea if this discharge occurs at a distance of more than 3 nautical miles from the nearest land. If the comminuted and disinfected sewage is subsequently held in a holding tank, or sewage originating from spaces containing living animals, the discharge should be made whilst the ship is en route, and proceeding at not less than 4 knots and at a rate which is no greater than the rate specified for these purposes in MSN 1807;
 - (iii) if the ship's only means of managing its sewage is through an approved holding tank, then untreated sewage, or sewage originating from spaces containing living animals, can only be discharged at a distance of more than 12 nautical miles from the nearest land, whilst the ship is en route, and proceeding at not

less than 4 knots and at a rate which is no greater than the rate specified for these purposes in MSN 1807; and,

- (iv) the term “en route” means the ship is under way at sea on a course or courses, including deviation from the shortest direct route, which as far as practicable for navigational purposes, will cause any discharge to be spread over as great an area of the sea as is reasonably practicable.

5.3 Where sewage is mixed with wastes or waste water covered by another Annex to the MARPOL Convention, the 2008 Regulations apply in addition to any statutory prohibition or requirement which relates to those Annexes.

6. Survey and Certification Requirements

6.1 The owner of a ship covered by the 2008 Regulations should ensure that the following surveys are undertaken on that ship:

- (i) an initial survey, before the ship is put into service, or before a Sewage Certificate is issued in respect of the ship for the first time;
- (ii) a renewal survey, before the end of every period of five years following the issue of a Sewage Certificate in respect of the ship; and
- (iii) an additional survey after a repair resulting from an investigation following an accident to the ship or when a defect is discovered in a ship, either of which substantially affect the integrity of the ship or the efficiency or completeness of the equipment of the ship. An additional survey is also required after an important repair or renewal is made. In cases of doubt as to whether a repair or renewal is important ship owners or masters are recommended to seek advice from the MCA. (However such advice from the MCA will not be a definitive ruling because that can only be given by an arbitrator or the courts).

6.2 These surveys are undertaken to ensure that Part 3 of the Regulations has been complied with, i.e. the equipment fitted to the ship is in good working order and the necessary infrastructure of the ship to support the proper functioning of that equipment is in a satisfactory condition. Additional surveys will ensure that the repair or renewal has been made effectively and the workmanship and materials used in the repair or renewal are satisfactory.

6.3 Survey and Certification has been delegated to the following UK Recognised Classification Societies for classed vessels only:

- the American Bureau of Shipping;
- Bureau Veritas;
- Class NK;
- Det Norske Veritas;
- Germanischer Lloyd;
- Lloyds Register; and
- RINA.

Ships which are not classed by one of the above recognised organisations should approach their local Marine Office for Survey and Certification and fee requirements, details of which can be found on the MCA Website, www.mcga.gov.uk

6.4 If the ship in question passes the survey, it will be granted an International Sewage Pollution Prevention Certificate which can last for up to 5 years. This must be kept on board for inspection if necessary by Port State Control Inspectors or flag State Inspectors, and it is an offence to proceed to sea without a valid certificate. Requirements about the duration and extension of certificates can be found in regulations 14 and 15 of the 2008 Regulations.

- 6.5 In special circumstances a new Certificate need not be dated from the date of expiry of the existing Sewage Certificate, but from the date of completion of the survey. It can then be valid for a period not exceeding 5 years, beginning with the date of completion of the survey.
- 6.6 For the purposes of the 2008 Regulations, these special circumstances are set out in MSN 1807.
- 6.7 Please note, a certificate may be cancelled if the Secretary of State has reason to believe that it has been issued on the basis of false or erroneous information, or if, since the survey was completed, the structure, equipment or machinery of the ship has sustained damage or is otherwise deficient.
- 7. Other Requirements for the owner and the master of a ship.**
- 7.1 The condition of the ship and its equipment must be maintained to conform with Parts 3 (equipment) and 4 (discharges) of the 2008 Regulations, to ensure that the ship remains fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment.
- 7.2 After any survey of the ship has been completed, no change, except by way of direct replacement, is allowed to be made to the infrastructure of that ship covered by the survey without the approval of the Certifying Authority.
- 7.3 A report must be forwarded to the Certifying Authority at the earliest opportunity if an accident occurs, or a defect is detected that substantially affects the integrity of the ship or the efficiency or completeness of its equipment. If this happens to a United Kingdom ship in a foreign port the accident or defect must also be immediately reported to the appropriate authorities of the country in which the port is situated. This report may or may not result in a further survey.

Part Two: Garbage

8. Application

- 8.1 The garbage elements of the Merchant Shipping (Prevention of Pollution by Sewage and Garbage from Ships) Regulations 2008 apply to United Kingdom ships wherever they may be. However if the ship in question is a foreign ship, then these Regulations apply in UK waters and in controlled waters, and any other waters which are sea.
- 8.2 The requirement for a ship to complete a Garbage Management Plan applies to all ships of 400 gross tonnage or above and every ship which is certified to carry 15 or more persons.
- 8.3 The requirement for a ship to carry and fill in a Garbage Record Book applies to all ships of 400 gross tonnage or above, every ship which is certified to carry 15 or more persons and is engaged on voyages to ports or offshore terminals under the jurisdiction of a Party to the Convention other than its flag State, and every relevant platform. Paragraph 14.3 sets out the equivalence which can be applied to fixed and floating platforms, FSUs and FSPOs for the Garbage Record Book.
- 8.4 The requirement for a ship to display placards which notify the crew and any passengers of the requirements for the disposal of garbage contained in regulations 26 to 28 and 30 applies to all ships of 12 metres or more in overall length.
- 8.5 The Regulations do not apply to any warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on Government, non-commercial service.

8.6 The 2008 Regulations should be read in conjunction with the Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003 (SI 2003/1809), as amended.

9. Definitions

9.1 “garbage” means all kinds of victual, domestic and operational wastes generated during the normal operation of a ship and liable to be disposed of continuously or periodically, but does not include fresh fish and parts thereof or sewage. It also excludes substances and emissions prohibited or controlled under other Annexes to MARPOL.

9.2 “operational wastes” means all maintenance wastes, cargo associated wastes and cargo residues except residues or wastes from oil or oily mixture, noxious liquid substances, non-polluting liquid substances or harmful substances in packaged form.

9.3 "cargo residues" means the remnants of any cargo material on board in cargo holds or tanks which remain after unloading procedures and cleaning operations are completed and includes excesses and spillage from loading or unloading.

9.4 "cargo-associated waste" means all materials which have become wastes as a result of use on board a ship for cargo stowage and handling and includes dunnage, shoring, pallets, lining and packing materials, plywood, paper, cardboard, wire and steel strapping;

9.5 “plastics” includes, synthetic ropes, synthetic fishing nets, plastic garbage bags, foam plastics and incinerator ashes from plastic products which may contain toxic or heavy metal residues;

9.6 “Special Area” means a sea area where for recognized technical reasons in relation to its oceanographical and ecological condition and to the particular character of its traffic the adoption of special mandatory methods for the prevention of the sea pollution by garbage is required. These Special Areas are specified in regulation 3 of the 2008 Regulations.

10. General Discharge Controls outside Special Areas

10.1 The discharge controls imposed by the 2008 Regulations for garbage discharges outside special areas are outlined in the table below.

Discharge prohibited	<i>Plastics</i>	<i>Dunnage, Lining and Packing Materials</i>	<i>General Garbage (i.e. other than plastics, dunnage, lining and packing materials)</i>	<i>Food wastes</i>
everywhere	X			
when the distance from the ship to the nearest land is 25 nautical miles or less	X	X		
when the distance from the ship to the nearest land is 12 nautical miles or less	X	X	Only permissible if macerated and comminuted*	Only permissible if macerated and comminuted*
when the distance from the ship to the nearest land is 3 nautical miles or less	X	X	X	X

*Should be macerated and comminuted to pass through a screen with openings no greater than 25mm

10.2 Please note that the distances from the ship to land referred to above are the bare minimums. The Regulations require all allowable discharges to be made as far from the nearest land as is practicable.

10.3 If any garbage contains, or is mixed with, specific items that have more stringent disposal requirements, then the more stringent requirements will apply.

11. General Discharge Controls within Special Areas

11.1 The discharge controls imposed by these Regulations for garbage discharges within special areas are outlined in the table below.

Discharge prohibited	<i>Plastics</i>	<i>Dunnage, Lining and Packing Materials</i>	<i>General Garbage (i.e. other than plastics, dunnage, lining and packing materials)</i>	<i>Food wastes</i>
In the Wider Caribbean Region	X	X	X	Only permissible if macerated and comminuted* and when the distance from the ship to the nearest land is 3 nautical miles or more
In Other Special Areas	X	X	X	Only permissible when the distance from the ship to the nearest land is 12 nautical miles or more.

*Should be macerated and comminuted to pass through a screen with openings no greater than 25mm

11.2 Please note that the distances from the ship to land referred to above are the bare minimums. The Regulations require all allowable disposals of garbage to be made as far from the nearest land as is practicable.

11.3 Additionally with respect to the Antarctic Special Area, a United Kingdom ship must not enter this area unless it has sufficient capacity for the retention on board of all garbage and it has arrangements for the discharge of retained garbage at a reception facility after it has left this area. **Note:** The MCA's policy and practice is rigorously to enforce these requirements. The MCA strongly recommends owners and masters of UK ships to ensure that **no garbage whatsoever**, even food wastes, is discharged into the sea in the Antarctic area.

11.4 In all cases, if any garbage contains, or is mixed with, specific items that have more stringent disposal requirements, then the more stringent requirements will apply. If it is mixed with garbage which is prohibited from being disposed of into the sea (e.g. plastics), then **none** of the mixed garbage can be disposed of into the sea.

11.5 In relation to an area which is not yet a Special Area (the Mediterranean, the Black Sea etc), the general discharge controls outside Special Areas referred to in paragraph 10 will apply in the interim.

12. General Discharge Controls from a Platform

12.1 These Regulations also prohibit the disposal of any garbage other than food wastes into the sea from a platform or from a ship alongside or within 500 metres of a platform.

12.2 The disposal of ground or comminuted food wastes is only allowed if the platform is greater than 12 miles from the nearest land.

12.3 Garbage from oil and gas platforms is transported back to land for disposal where it is controlled under onshore legislation controlled by SEPA and the Environmental Agency. Nothing in these regulations will change the arrangements in place for this sector as these arrangements are already in line with MARPOL Annex V (Garbage).

13. The Garbage Management Plan, the Garbage Record Book and Garbage Placards.

13.1 All ships of 400 gross tonnage or above and every ship which is certified to carry 15 or more persons, must carry a Garbage Management Plan. This document should identify procedures for the collection, storage, processing and disposal of garbage on board the ship, including procedures for the use of equipment, and should identify the person responsible for carrying out this plan. It should be written in the working language of the crew. It should also comply with the IMO guidelines set out in MSN 1807. The crew should be trained in garbage management and should be aware of the contents of this plan and the master of the ship is responsible for ensuring that this plan is followed and implemented.

13.2 Under these Regulations, ships with a Garbage Management Plan are also required to have a Garbage Record Book on board in a place where it can easily be inspected. This book should be in the form specified in MSN 1807 and can be obtained from The Stationery Office. This record book needs to be filled out by the Officer in charge after every discharge of garbage into the sea, every delivery of garbage to port waste reception facilities and every incineration operation. Each entry should highlight the position of the ship, the date and time of the operation, an estimate of the amount and a description of the type of garbage. For a UK ship this entry should be in English. If it is a foreign ship then the entry should be in English, French or Spanish. (It may additionally be in an official language of the flag State.) The Master of the ship should then sign each page when it is complete and the record should be kept for two years once the book is completed.

13.3 Every ship having an overall length of 12 metres or more, measured between the foremost part of the bow and the aftmost part of the stern, must display placards which notify the crew and any passengers of the relevant prohibitions on the disposal of garbage into the sea. These should be written in the working language of the ship's personnel. However, if the ship visits ports or offshore terminals in a country other than its flag state, these placards should also be in English, French or Spanish.

14. Garbage Record Books: Exemption / Equivalence

14.1 MSN 1807 (para 3.4) makes reference to the fact that the MCA, acting on behalf of the Secretary of State may waive the requirement to complete a Garbage Record Book. The following may be exempted:

14.2 Ships Engaged On a Voyage of One Hour or Less - Exemptions

- Exemptions may be issued for a ship certified to carry 15 or more persons if engaged on a voyage of one hour or less. It should be noted that the MCA policy is that a Garbage Record Book will still need to be held on board the ship, but those in charge of the ship can apply for an exemption from making entries in the Book. Applications for the exemption should be made to the MCA, who act on behalf of the Secretary of State. The applicant will need to declare that over the period of the time the exemption is being applied for, the ship will only undertake voyages of one hour or less in duration. If an exemption is granted, it will need to be attached to the Garbage Record

Book and will not have effect at any time when the ship engages in a voyage of over one hour in duration. There will be a fee at the standard MCA hourly rate for the issue of an exemption.

14.3 Fixed or Floating Offshore Installation – Equivalence

- Fixed or floating offshore installations engaged in exploration and exploitation of the sea-bed must have a Garbage Record Book or equivalent. The recognised equivalent is the waste manifest records, special waste pre-notification consignment notes (for special wastes) and duty of care transfer notes (for non-special wastes) which are already maintained and held by fixed or floating offshore installations. This also applies to unmanned installations. Where unmanned installations do not have a premise to maintain records then the appropriate records must be held at the Operators premises onshore.

15. **Other Guidance with respect to garbage management on ships.**

15.1 *Incineration* - Please note that MARPOL 73/78 Annex VI (Air Pollution) also prohibits the incineration on board ship of certain products, such as contaminated packaging materials and polychlorinated biphenyls (PCBs).

15.2 *The disposal of incinerator ashes from plastic products which may contain toxic or heavy metal residues* - It is recommended that as the heavy metal content of plastic is not known, then the ash residue from any burning of plastics on board ship should not be disposed of into the sea. It should be retained on board to land to appropriate waste reception facilities.

15.3 *Cargo tank washings, or hatch washings, and whether they can be disposed of at sea* - Cargo washings can be defined as the material left after the cargo residues have been removed and disposed of accordingly, which is entrained in washwater resulting from the cleaning of cargo spaces and hatches. After unloading some bulk cargoes many ships will wash their holds or decks to remove this excess or spilt material as it could contaminate the next cargo. In such cases this material can be disposed of at sea so long as it is inert, has been minimised by removing as much cargo residue as possible and any disposal complies with the 2008 Regulations and any other relevant legislation. If the material is a marine pollutant, a hazardous or noxious material, or a material that could cause secondary pollution on contact with the sea (such as petroleum coke, which if disposed of at sea, can cause a sheen on the surface, which will put the ship in contravention of Annex 1 of MARPOL 73/78), then any washings should be disposed of on shore through appropriate reception facilities.

Part Three: Port State Control and Flag State Control

16. Inspection and Detention

16.1 Any ship covered by the 2008 Regulations is subject to Flag State Inspection if it is a UK ship, or to Port State Control if it is a foreign ship.

16.2 These inspections will normally be limited to:

- verifying whether the ship has discharged any sewage or garbage in violation of the provisions of these Regulations;
- verifying that the ship holds a valid Sewage Certificate or other appropriate documentation;

- investigating any operation where there are clear grounds for believing that the master or the crew of a ship are not familiar with the on-board procedures for preventing pollution by sewage or garbage; and
 - inspecting the garbage record book kept aboard the ship.
- 16.3 If, following such inspection, the surveyor of ships believes that the ship does not hold a valid Sewage Certificate (or the other appropriate documentation), or if there are clear grounds for believing that the condition of the ship or its equipment does not correspond substantially with the particulars of that certificate, then the ship is liable to be detained until a surveyor of ships is satisfied that the ship can proceed to sea without presenting an unreasonable threat of harm to the marine environment. The ship is also liable to be detained in this way where there are clear grounds for believing that the master or crew are not familiar with essential shipboard procedures relating to the prevention of pollution by sewage or garbage, or that an offence is being committed under the 2008 Regulations. Furthermore, the ship is liable to be detained where there are clear grounds for believing that a polluting offence (i.e. under regulation 23, or 26 to 29 of the 2008 Regulations) has been committed, or if a polluting offence or any other offence under regulation 42(1) is being committed.
- 16.4 Additionally, when a harbour master has clear grounds for believing that an owner, manager, demise charterer or master of a ship has discharged garbage or sewage in contravention of these Regulations, then the harbour master may detain the ship. The harbour master can only do this if the offence has taken place within a UK harbour for which the harbour master is responsible. The harbour master has a duty under the Regulations to report a ship to the MCA where it is believed that a ship is about to enter or leave a harbour and the ship does not comply with the Regulations.
- 16.5 If the owner or Master disagrees with the ship being detained, then he or she can appeal through Arbitration, and may be entitled to compensation if successful. The arbitration and compensation provisions are covered in regulation 41 of the 2008 Regulations.

More Information

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