



Maritime and Coastguard Agency

MARINE GUIDANCE NOTE

MGN 381 (M+F)

Survey and Certification Requirements for the Merchant Shipping (Prevention of Air Pollution from Ships) Regulations 2008

Notice to all Shipowners, Masters, Certifying Authorities, Operators of Fixed and Floating Platforms and Drilling Rigs

This guidance note should be read in conjunction with the Merchant Shipping (Prevention of Air Pollution from Ships) Regulations 2008 SI 2008 No.2924 and MSN 1819 (M+F) The Merchant Shipping (Prevention of Air Pollution from Ships) Regulations 2008.

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 Marine Guidance Note details:

- Survey and Certification Requirements for The Merchant Shipping (Prevention of Air Pollution from Ships) Regulations 2008
- Special circumstances in which a new Certificate need not be dated from the date of expiry of the existing appropriate Certificate, but from the date of completion of the survey.

1. Survey and Certification Requirements

1.1 The owner of a ship covered by the Merchant Shipping (Prevention of Air Pollution from Ships) Regulations 2008 (henceforth 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 an appropriate 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 an appropriate 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.

Please note that the term “appropriate certificate” has the same meaning as defined in the 2008 Regulations.

1.2 These surveys are undertaken to ensure that Part 3 of the Regulations has been complied with, i.e. the equipment, systems, fittings, arrangements and materials of the ship 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.

1.3 Survey and certification has been delegated to Certifying Authorities for classed vessels and platforms (see paragraph 4). Non class ships should approach their local Maritime and Coastguard Agency (MCA) Marine Office for Survey and Certification and fee requirements, details of which can be found on the MCA Website, www.mcga.gov.uk

1.4 If the ship in question passes the survey, it will be granted an appropriate 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.

2. Special Circumstances

2.1 In special circumstances a new Certificate need not be dated from the date of expiry of the existing appropriate 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.

2.2 For the purposes of the 2008 Regulations, these special circumstances are where the owner of the ship:

- requests the change of date;
- satisfies the MCA that the owner has a very good reason for making the request; and
- complies with any reasonable additional survey requirements which the MCA may impose.

2.2.1 Examples of an owner having “very good reason” might include:

- where a ship has been laid up for an extended period; or
- where the nature of a ship's business would make a different date much more convenient (such as in the case of a passenger ferry constructed in the summer and whose main trade is in the summer, where the owner may want to have all the refit and survey work done in the winter months).

In the latter case of a request to change the anniversary date for the sake of convenience, the request will only be considered if such a request has not been made previously for the ship in question, and the owner confirms in writing to the MCA that this is a one off request for that ship.

3. Failed Surveys / Cancelled Certificates

3.1 If the ship in question fails a survey the surveyor will advise the owner or master of the corrective action which is required, and the surveyor may take such steps as are necessary to ensure that the ship does not sail until it can proceed to sea without presenting an unreasonable threat of harm to the marine environment. A ship may be permitted to leave the port for the purpose of proceeding to the nearest repair yard available. If the owner or Master disagrees with this decision, then he or she can appeal through Arbitration. Further details on this procedure are set out in Regulations 16 and 17.

3.2 An appropriate 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 is used or lent to another person, with intent to deceive, or on other unlawful grounds.

4. Platforms

4.1 Platforms are defined in the 2008 Regulations as including fixed and floating platforms and drilling rigs, and are required to comply with Annex VI of MARPOL. Schedule 8 of MSN 1819 (M+F) outlines the survey and certification regime for platforms.

More Information

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