



Maritime &
Coastguard
Agency

MARINE GUIDANCE NOTE

MGN 381 (M+F) Amendment 1: Survey and Certification Requirements for Merchant Shipping (Prevention of Air Pollution from Ships) Regulations 2008 as amended

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

This guidance note should be read in conjunction with the [Merchant Shipping \(Prevention of Air Pollution from Ships\) Regulation 2008 as amended, MSN 1819 \(M+F\)](#) (including [Amendment 1](#)), [Motor Fuel \(Composition and Content\) \(Amendment\) Regulations 2014 \(2014 No.3076\)](#) and [MGN 683 \(M+F\) IMO carbon reduction measures](#).

This MGN supersedes [MGN 381 \(M+F\)](#) which was published in 2008 and incorporates [MGN 386 \(M+F\)](#) which is now withdrawn.

1. Summary

This Marine Guidance Note (MGN) details:

- the survey and certification requirements for [The Merchant Shipping \(Prevention of Air Pollution from Ships\) Regulations 2008 \(S.I. 2008/2924, as amended\)](#).
- the 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.

2. Survey and certification requirements

The owner of a ship covered by The Merchant Shipping (Prevention of Air Pollution from Ships) Regulations 2008 as amended (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 for the first time
- (ii) A renewal survey, before the end of the five year period of validity following the issue of an appropriate certificate to the ship
- (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 substantial repairs or renewals are carried out.

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

In cases of doubt as to whether a repair or renewal is substantial, ship owners or masters are recommended to seek advice from the Maritime and Coastguard Agency (MCA).

These surveys are undertaken to ensure that Part 3 of the 2008 Regulations has been complied with, i.e. the equipment, systems, fittings, arrangements and materials of the ship are 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.

Survey and certification has been delegated to Certifying Authorities for classed vessels and platforms (see in section 5). Non classed ships should approach their local [Marine Office](#) for survey, certification and fee requirements.

If the ship in question is deemed to be compliant after survey, it will be granted an appropriate certificate which can last up to 5 years. This must be kept on board for inspection, if necessary, by Port State Control Officers or Flag State Surveyors and it is an offence to proceed to sea without a valid certificate. Requirements for the duration and extension of certificates can be found in Regulations 14 and 15 of the 2008 Regulations.

3. Special circumstances

In special circumstances a new certificate does not need to be dated from the expiry date 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, from the date of completion of the survey.

For the purpose 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

- complies with any reasonable additional survey requirements which the MCA may impose

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

- where a ship has been laid up for an extended period
- 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.

4. Failed surveys/cancelled certificates

If the ship in question is found non-compliant further to a survey, the surveyor will advise the owner or master of the deficiencies and the owner or master would be required to take appropriate corrective action, and the surveyor may take such steps as are necessary to ensure that the ship does not proceed to sea until the identified deficiencies are rectified to the satisfaction of the surveyor. 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 they can appeal through arbitration. Further details on this procedure are set out in Regulations 16 and 17 of the 2008 Regulations.

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, that it is being used or lent to another person with intent to deceive, or that there are other unlawful grounds for its cancellation.

5. Platforms

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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