



Maritime &
Coastguard
Agency

PORT STATE CONTROL ORGANISATION IN THE UK

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PRESENTATION WILL COVER:

- Introduction
- Implementation of Legislation
- Organisation of MCA
- Surveyor Training
- Detention/Enforcement

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INTRODUCTION

History – The Maritime & Coastguard Agency (MCA) was formed in 1998 and was an amalgamation of the Marine Safety Agency and the Coastguard Agency.

The MCA is an executive agency of the Department for Transport and is accountable to the Secretary of State for Transport

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INTRODUCTION

We work with strategic partners to promote maritime safety, support economic growth, and minimise the maritime sector's environmental impact. This is achieved through the development and implementation of the Government's maritime safety and environmental strategy.

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INTRODUCTION

- Length of UK Coastline - 12,429 km (7723 miles)
- Number of ports 310 (Reporting > 300 GT)
- Number of surveyors 128 of which 103 carry out PSCO duties
- 16 Marine Offices

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INTRODUCTION

UK Performance in Paris MoU

YEAR	UK Ins	PMoU Ins	% of PMoU	UK Dets	PMoU Dets	% of PMoU
2010	1832	24058	7.60	50	790	6.32
2011	1604	19058	8.42	42	688	6.10
2012	1543	18308	8.43	63	669	9.42

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IMPLEMENTATION of Legislation

Maritime Legislation stems from three main sources:

- **IMO – Conventions**
- **ILO - MLC**
- **EU – Directives, Regulations**

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IMPLEMENTATION

LEGISLATION – UK legislation is split into primary and secondary.

- Primary legislation requires an Act of Parliament
- Secondary or delegated legislation needs to be authorised by primary legislation. These are known as Statutory Instruments

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ELIZABETH II

c. 21



Merchant Shipping Act 1995

1995 CHAPTER 21

An Act to consolidate the Merchant Shipping Acts 1894 to 1994 and other enactments relating to merchant shipping.
[19th July 1995]

B ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

BRITISH SHIPS

1.—(1) A ship is a British ship if—

- (a) the ship is registered in the United Kingdom under Part II; or
- (b) the ship is, as a Government ship, registered in the United Kingdom in pursuance of an Order in Council under section 306; or
- (c) the ship is registered under the law of a relevant British possession; or
- (d) the ship is a small ship other than a fishing vessel and—
 - (i) is not registered under Part II, but
 - (ii) is wholly owned by qualified owners, and
 - (iii) is not registered under the law of a country outside the United Kingdom.

British ships and
United Kingdom
ships.

(2) For the purposes of subsection (1)(d) above—

"qualified owners" means persons of such description qualified to own British ships as is prescribed by regulations made by the Secretary of State for the purposes of that paragraph; and
"small ship" means a ship less than 24 metres in length ("length" having the same meaning as in the tonnage regulations).

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STATUTORY INSTRUMENTS

2011 No. 2601 Merchant Shipping

The Merchant Shipping (Port State Control) Regulations 2011

Made

31st October 2011

Laid before Parliament

2nd November 2011

Coming into force

24th November 2011

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ORGANISATION

Secretary of State for Transport

Parliamentary Under Secretary of State
(Minister for Shipping)

Permanent Secretary (Civil Servant)

Chief Executive MCA

Director Maritime Safety and Standards

Assistant Director Technical Performance

Inspection Operations Manager
(PSC Co-ordinator)

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ORGANISATION

Chief Executive
(Sir Allan Massey)

Directorate of Marine Safety and
Standards

Directorate of Maritime Operations

Directorate of Strategy and Finance

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ORGANISATION

Technical Performance

Survey Ops

Inspection Ops

Maritime Security

ISM/ISO

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ORGANISATION

- 103 PSCOs based in 16 local Marine Offices around UK

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ORGANISATION

Previously UK was split into 3 Regions, East, West and SCOTNI. However, following a restructure in 2012 have now gone for a National approach. National Management Board set up headed by a “National Director” and responsible for delivering all surveys and inspections.

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SURVEYORS

All MCA Surveyors carry out flag State and port State work and must be duly authorised following requisite training.

Authorisation is issued by Enforcement Branch on [notification](#) from the MCA Training Centre and surveyors are issued with a **Warrant Card**

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WARRANT CARD

Powers

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TRAINING

The MCA recruits for three disciplines of surveyors to perform the variety of survey, inspection, audit and STCW examination work the Agency has to undertake. The disciplines are MS1(Nautical) surveyor, typically former ship Masters, MS1 (Engineer) surveyor, former ships Chief Engineers and MS1(Ship) Surveyor, Naval Architects who have come from the shipbuilding industry, or related industries such as classification societies.

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TRAINING

Surveyor Entry Qualifications:

Academic/ Professional Qualification required:

- (a) STCW II/2 Master unlimited Certificate of Competency; **or**
- (b) STCW III/2 Chief Engineer unlimited Certificate of Competency ; **or**
- (c) Honours Degree in Naval Architecture, Ship Science, Marine Engineering, Mechanical and Marine Engineering or Marine Technology

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TRAINING

In each of these cases the stated qualifications need to be supported by 5 years experience in a managerial role onboard ship or 5 years in a technical capacity of responsibility within the maritime industry.

Applicants for MS1 posts, without the above qualifications, would also be eligible if they were Chartered Engineer (C. Eng) (through Royal Institution of Naval Architects (RINA) or the Institute of Marine Engineers (IMarEST)).

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TRAINING

Surveyors undergo a SURVEYORS CUSTOMISED AWARD SCHEME (SCAS) which is accredited with an educational body within the UK.

Made up of Awards and Units. Eg Award 1 covers SOLAS and is made up of Units for each Chapter of SOLAS.

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TRAINING

Surveyor and Assessor go through the Awards and Units and Accredited Prior Learning (APL)

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APL

The principle of APL is that previous experience and qualifications can be used as evidence of having completed required outcomes. In order for this to be acceptable it must be auditable. Evidence can be gained in the same way as a normal assessment, i.e. observation, oral or written questioning, or by providing evidence.

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TRAINING

Award 3, Unit 7 covers PSC.

Surveyors must:

- Complete [Questionnaire](#) on PSC
- Observe min 10 inspections
- Undertake 15 inspections whilst being observed
- Complete EMSA DLP on PSC Procedures

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ORGANISATION

Inspection Operations Branch

Based in HQ, Southampton

Three members of staff

Supported by Technical Support Team who
provide admin function and verify PSC
reports in the Paris MoU database system
THETIS

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OUR MISSION!

**Help raise standards on ships and for
seafarers by facilitating and improving the
harmonised inspection of UK vessels and
other vessels in UK waters**

By:

- Committed and helpful approach
- Guidance and support
- Promoting policies
- Focal point for advice to all customers
- Monitoring
- Publicising and following up

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INSPECTION OPERATIONS

Act a PSC Co-ordinator:

- Monitor Inspection Commitment
- Provide support and guidance to PSCOs, particularly regarding detention
- Advice to shipowners/class/ROs etc
- Provide reports to management, EB etc
- Answer Parliamentary Questions
- [Monthly Press Release](#)

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CONSISTENCY

Inspection Operations Branch:

- Provide PSC training
- Annual Surveyor Seminars

Peer Review

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OUT OF HOURS

Out of Hours (OOH)

The Paris MoU/EU Directive requires that member States inspect all Priority I ships, thus in order to achieve this there is a need to inspect ships OOH, mostly weekends. Surveyors are on an oncall roster. They are backed up by an oncall PSC Co-ordinator.

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The oncall PSC co-ordinator allocates ships for inspection, marks ships as inspected following an inspection and provides advice and guidance to the PSCOs.

Also it is important to keep track of surveyors from a lone working point of view. The OOH arrangement is only for inspection of PI ships

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DETENTION

Detention is a sanction NOT a punishment

Power of detention in UK comes from the 1995 Merchant Shipping Act Sec 284

- Says who may detain a ship
- Makes it an offence, liable to summary conviction, for master/owner to put to sea before ship released

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DETENTION

Two methods of detention in UK:

- Dangerously Unsafe
- Non compliance with legislation

Right of Appeal

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DETENTION

“Dangerously Unsafe” is defined in Sec 94 of MSA95.

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Meaning of Dangerously Unsafe

- (2) Those matters are—
- (a) the condition, or the unsuitability for its purpose, of—
- (i) the ship or its machinery or equipment, or
- (ii) any part of the ship or its machinery or equipment;
- (b) undermanning;
- (c) overloading or unsafe or improper loading;
- (d) any other matter relevant to the safety of the ship;
- and are referred to in those sections, in relation to any ship, as "the matters relevant to its safety" .

(3) Any reference in those sections to "going to sea" shall, in a case where the service for which the ship is intended consists of going on voyages or excursions that do not involve going to sea, be construed as a reference to going on such a voyage or excursion.

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DETENTION

Failure to Comply with Merchant Shipping Legislation.

Generally used for non-compliance with Conventions, SOLAS, MARPOL, STCW etc

Each UK Regulation links back to the MSA95 regarding [detention](#)

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DETENTION

ARBITRATION

When a ship is detained the master/owner has the Right of Appeal. The case may go to Arbitration. The master/owner must respond within 21 days. An arbitrator is appointed. This is a legal process. The outcome is legally binding. There is a cost!

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DETENTION

Paris MoU Review Panel

Panel make a decision, **BUT** not legally binding.

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Other Enforcement Actions

- Improvement Notice – served on a person, usually the master. Served in cases where there is non compliance and detention is not appropriate.
- Prohibition Notice served on master to prohibit an operation

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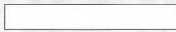


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IMPROVEMENT NOTICE

Merchant Shipping Act 1995, Section 261

Name and Address of person on whom this Notice is served	To	
Trading as (*)		
Inspector's full name	I,	
Inspector's Official Address	of	
Official Telephone		
hereby give you notice that I am of the opinion that in respect of		
Name of Ship		
Official Number		
or		
(*) you are contravening the provisions listed below		
or		
(*) you have contravened the provisions listed below in circumstances that make it likely that the contravention will continue or be repeated		
Provisions contravened	Failure to comply with the Merchant Shipping (Hours of Work) Regulations 2002 SI No 2125. Regulation 5 regarding minimum hours of rest and Regulation 4 in that it shall be the duty of every company, an employer of a seafarer and a master of a ship to ensure that a seafarer is provided with at least the minimum hours of rest.	
Reasons for opinion	The reasons for my opinion are:- Following an ISM audit, on inspection and checking the hours of rest for the crew there were breaches of the minimum hours of rest. For example the master had only 4.5 hours of rest in 24 hours on 20/21 April 2010.	
and I hereby require you to remedy the said contraventions, or, as the case may be, the master consenting, them by		
Date		
(*) and in the manner stated in the attached schedule which forms part of this Notice		
		
(Signature)		(Use of Seal)
being an Inspector appointed under Section 256(1) of the said Act and entitled to issue this Notice.		
(*) Insert as necessary		
(Previously Form IP/13)		
1/2		
MSF 1706 / REV 0005		

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AUDITS

The MCA and Inspection Operations are subject to internal and external audits to ensure correct compliance with procedures.

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THE END

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