

PART C

CHAPTER 3

DETENTION

3.1 Principles and Legal Powers for Detention

3.1.1 A ship may be detained for being dangerously unsafe or for failing to comply with the requirements of Merchant Shipping legislation.

3.1.2 The power to detain a dangerously unsafe ship is provided in section 95 of the Merchant Shipping Act 1995. A dangerously unsafe ship may be detained by a "*relevant Inspector*" (section 95 of the Act) which is defined by reference to section 258 (1) of the Merchant Shipping Act 1995 as including "*a Surveyor of Ships*". An appointment as a detaining officer is not required. The authority to detain a ship for failure to comply with Merchant Shipping legislation is contained in individual Statutory Instruments. In all cases the application of the regulations to the ship should be checked as should the provision for detention since some regulations do not contain powers to detain and in others detention is limited to breaches of certain provisions. The Inspector must be appointed as a Detaining Officer.

3.1.3 The Ship and Port Facility (Security) Regulations 2004 contain powers to detain ships which vary slightly from those in the Merchant Shipping Act 1995.

3.1.4 Fishing ships may be detained under section 125 of the Merchant Shipping Act 1995 for failure to hold valid fishing ship certificates, for being dangerously unsafe or under specific regulations - for example the Merchant Shipping (Prevention of Oil Pollution) Regulations.

3.1.5 A ship which is unsafe to proceed on a planned voyage should be detained upon the first inspection irrespective of the time the ship is in port.

3.1.6 A ship should be detained if the deficiencies found are sufficiently serious to merit a surveyor/PSCO returning to the ship to be satisfied that they have been rectified before the ship sails. If the surveyor/PSCO considers that the deficiencies marked (ISM) is (are) objective evidence of a SERIOUS failure, or lack of effectiveness, of the implementation of the ISM code then the ship should be detained (code 17 and grounds for detention in THETIS, code 19/30 in paper report).

3.1.7 Detention as a dangerously unsafe ship could be more susceptible to a legal challenge than detention for non-compliance with regulations. Should conditions arise where a ship could be detained as either dangerously unsafe or for contravening statutory provisions, surveyors should consider which category

would be easier to prove to a Court were a legal challenge to be mounted. In many cases it may be easier to demonstrate non-compliance with a statute than to demonstrate a ship to be dangerously unsafe as defined above.

Example: A ship loaded with grain was found to be in breach of the Carriage of Cargoes Regulations because loading did not comply with the International Grain Code. The grain stability book placed limitations on loading grain without additional strapping which were not reflected in the loading plan and not implemented. The ship was therefore also considered to be a dangerously unsafe ship since it was not fit to go to sea as loaded. It should be detained for non-compliance with Carriage of Cargoes Regulations, not as dangerously unsafe.

3.1.8 Another consideration is regarding potential unintended outcomes. For example, a vessel detained against the Fishing Vessel (Codes of Practice) SI which is subsequently de-registered, no longer has to meet those requirements so the detention would no longer stand. In these cases, if warranted, a dangerously unsafe approach may be better.

3.2 Pre-detention Considerations

3.2.1 Dangerously Unsafe Ship

3.2.1.1 A dangerously unsafe ship is defined in section 94 of the Merchant Shipping Act 1995 as “*a ship in port, or a ship at sea, which having regard to the nature of the service for which it is intended or being used is either unfit to go to sea, or to remain at sea or go on a voyage without serious danger to human life, by reason of the following -*

- “(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;”

For this definition, proceeding to sea includes, for a ship that does not go to sea, going on a voyage or excursion. In the case of ships not going to sea, a voyage must include passage from one place to another or following a planned route back to the same place. It does not include general excursion such as may be undertaken by a pleasure yacht.

3.2.1.2 A ship found to be dangerously unsafe may be detained regardless of whether it has been compelled to enter port or anchor through *force majeure* such as stress of weather, machinery failure or other unforeseen circumstance.

3.2.2 Non-Compliance with Merchant Shipping Regulations

3.2.2.1 A ship found to have contravened Merchant Shipping statutory provisions may be detained regardless of whether it was compelled to enter port or an anchorage through *force majeure* - for example stress of weather, machinery failure or other unforeseen circumstances. However, some regulations

do not apply to certain types of non-UK ships compelled to deviate in this way and the regulations should be carefully checked on this point before a detention notice is issued. A Grade 7 surveyor should be consulted on a decision to detain, where possible, and act as a confirming surveyor.

3.2.2.2 Ambulatory Reference – The Merchant Shipping Act 1995 was amended to include the provision to make secondary legislation by ambulatory reference s306A. Essentially this enables UK legislation to be made by simply referring to an international instrument. The benefit of this is that if any of the specific provisions of the international instrument are amended or replaced no amendment will be required to the transposing legislation. Such amendments would only take effect at the same time as they come into force internationally.

An example of ambulatory reference is the MS (International Load Line Convention) (Amendment) Regulations 2018. Detention for non-compliance with merchant shipping legislation is treated in the same way and the regulations include powers of detention in regulation 27.

3.2.2.3 Care must be taken to check the Statutory Instrument to confirm if there is a detaining clause, and which regulations within the SI this applies to, as there are some exceptions. Also carefully check the applicability of the Regulation as some SI's disapply. For example, a code vessel with fire protection related deficiencies cannot be detained under the SI Fire Protection (Small Ships).

3.3 Detention Process

3.3.1 *Dangerously Unsafe Ship*

3.3.1.1 If detention of a ship is considered necessary a Grade 7 surveyor or Inspection Operations Branch should be consulted, wherever possible, to confirm the decision. A dangerously unsafe ship is detained using form MSF 1700 together with form MSF 1703 Notice of Reference to an Arbitrator and MSF 1704 Notes on Arbitration.

3.3.1.2 The original report of inspection and detention forms must be left onboard the ship, or email receipt confirmed before departing the vessel in the case of electronic documents and no printer. Annex 1 provides an example completed form. Copies should be taken and retained by the inspector.

3.3.1.3 At the soonest available opportunity the detaining officer must use the email template in Annex 3 to inform all relevant parties. The email should include the report of inspection for reference. Confirmation of safe receipt should also be confirmed by all relevant parties. See 3.6.3.

3.3.1.4 The Inspector should explain the reasons why the ship is considered unsafe to the responsible person onboard the ship and the meaning of the arbitration forms.

3.3.2 Non-Compliance with Merchant Shipping Regulations

3.3.2.1 Criteria for ship detention are given in the latest version of the Paris MoU Instruction on “Guidance on Detention and Action Taken”. While these specifically apply to foreign ships inspected under the Port State Control regulations, similar criteria would apply in the case of UK ships.

3.3.2.2 If detention of a ship is considered necessary, a Grade 7 surveyor or Inspection Operations Branch should be consulted, wherever possible, to confirm the decision. Form MSF 1701 must be used, together with form MSF 1703 Notice of Reference to an Arbitrator and MSF 1704 Notes on Arbitration. MSF 1708 for Fishing Vessel detentions has now been archived with the move to the Pelorus system and the use of one universal form. If detaining a fishing vessel, the detention email templates in Annex 3 should be used.

When completing form MSF 1701 the UK statutory requirements being contravened must be given and it is most important to ensure that the regulations quoted apply to the ship being detained and include a provision for detention. Errors could undermine a case at arbitration, or a prosecution brought against the owners. On foreign ships the Port State inspection report should also record, if applicable, the relevant convention references for those deficiencies which form the grounds for detention.

3.3.2.3 The process must follow that given in 3.3.1.2 – 3.3.1.4.

3.3.3 Allowing a Detained Ship to Move from Berth

In some cases, the Master/Owner or the Harbourmaster may require the ship to move berth within the port. Depending on the circumstances this is permissible and a note to that effect can be written on the Detention Order.

However, in some cases the Harbourmaster may wish the ship to go out to anchor to prevent congestion of the port. Experience shows that this request needs to be treated carefully. Once the ship is at anchor it is easier for it to jump detention and access for surveyors to carry out a re-inspection is more difficult due to requirement for a launch, weather conditions and suitable boarding arrangements.

Consideration also needs to be given to detainable items, problems with firefighting equipment and LSA would preclude the ship from leaving the berth if the crew can't fight a fire or abandon the ship at anchor, MARPOL issues could

also be a factor. Problems have also arisen in the past with taking on stores and bunkers at anchor and access for repair personnel.

Allowing the ship to go to anchor is a sanction that needs careful consideration, first and foremost our concern is for safety, protection of the environment and health and welfare of the crew, unfortunately the Harbourmaster's concerns of congestion are of secondary importance.

3.4 Inspection Follow Up and Release

3.4.1 If all deficiencies have been rectified to the satisfaction of the inspector on a return visit, the release form MSF 1702 should be completed. All parties informed of the detention should be informed of the release using the standard detention release email (see Annex 3).

3.4.2 The PSCO should inform all relevant parties by email when a ship is released from detention including:

- Cc Flag State
- Cc Classification Society (Class Cert)
- Cc RO (Statutory)
- Cc RO (ISM)
- Cc Owner
- Cc Ships Agent
- Cc Harbour Master
- Cc MCA – MRCC
- Cc HQ_InspectionOps@mcga.gov.uk
- Cc PSC_Headquarters@mcga.gov.uk
- **BCC** MCA – Public Relations
- Cc HM Customs and Excise
- Cc IMO
- **BCC** MMO INTEL@marinemanagement.org.uk (for fishing vessels only)

3.4.3 The release from detention email template in Annex 3 should be used with MSF1702 attached.

3.4.4 Where a foreign flagged ship is released from detention in order that it may proceed to another port to carry out permanent repairs Paris MOU procedures should be followed (see PSCC Instruction Rev 10 53/2020/06 - Refusal of access (banning) procedure and notification checklist). Similar principles should be applied where UK ships ask to sail to a repair port.

3.4.5 When a ship calls at a port in the UK for repairs having been released from detention for a single voyage to a repair yard, the ship needs to be re-detained as requested by the previous Port State. The detention notice should be served with the outstanding deficiencies from the previous inspection. A walk around needs to be carried out, bearing in mind that we would be required to

release the ship on completion of repairs. Any additional deficiencies identified need to be recorded. Similar principles need to be applied when a ship proceeds from one port in the UK to another for repairs.

3.4.6 For UK ships, Marine Office operators should input inspection reports to PELORUS as soon as the ship has been released. If a port State inspection occurred, the reports should also be entered into THETIS. Inspection Operations Branch will validate the THETIS inspection record after which it is available to other members and the public via the Paris MOU website.

3.4.7 Detention files are now to be saved on SharePoint. Paper files will no longer be raised. When a ship is detained, once the detention order is received by Inspection Operation Branch, Corporate Records Management will be requested by Technical Support Team, HQ to create a folder for that ship on SharePoint. All detention related information will need to be saved in this folder.

The following documents need to be saved in the folder:

- 1) PSC report from first inspection
- 2) Notice of Detention
- 3) Copy of notification of detention (Detention email)
- 4) PSC report at time of final inspection
- 5) Notice of Release
- 6) Detention report – MSF 1677
- 7) Copy of notification of release from detention (Release from Detention email)
- 8) Emails from relevant parties confirming safe receipt of detention / detention release emails
- 9) Any other documentation relevant to the detention, including arbitration requests or requests to move berth.

Once the folder is created, the Marine Office should enter all detention related information in the folder. The naming convention for the files are as follows:

- 1) PSC report from first inspection (MS ...-DET-YYYYMMDD-ROI.1)
- 2) Notice of Detention (MS ...-DET-YYYYMMDD-NOD)
- 3) Copy of notification of detention (Detention email) (MS ...-DET-YYYYMMDD-DE)
- 4) PSC report at time of final inspection (MS ...-DET-YYYYMMDD-ROI.2)
- 5) Notice of Release (MS ...-DET-YYYYMMDD-NOR)
- 6) Detention report – MSF 1677 (MS ...-DET-YYYYMMDD-MSF1677)
- 7) Copy of notification of release from detention (Release from Detention email) (MS ...-DET-YYYYMMDD-RE)
- 8) Any other documentation relevant to the detention (MS ...-DET-YYYYMMDD-xxxx)

3.5 Flow Chart

See Annex 4 for a flow chart summarising the procedure for detaining ships.

3.6 Special Instructions and Guidance

3.6.1 *Enforcing Detention*

Section 284 of the Merchant Shipping Act 1995 as amended by the 1997 Act sets out the circumstances in which a Master or Company is guilty of an offence if a ship proceeds to sea before it is released from detention or without complying with the terms of the detention notice. MCA Regulatory Compliance Investigations Team would determine whether to act in relation to the offence. If a surveyor believes enforcement action is needed, they should contact MCA Regulatory Compliance Investigations Team and Inspection Operations Branch.

3.6.2 *Serving a Detention Notice*

3.6.2.1 A detention notice should generally be served on the master or his representative by a surveyor employed by the MCA. This could also be done remotely by post, or email, depending on the circumstances.

3.6.2.2 If the detaining surveyor has sufficient evidence to be satisfied that detention is necessary, and it is not practical to be present onboard the ship to serve the notice, it is possible to use a third party for this purpose. The evidence should be detailed and conclusive, using photos where possible. Third parties may be Coastguard staff or a Harbour Master. In these circumstances the completed form and arbitration papers must be emailed to the third party to be served on the Master. This must be followed up with the original documents as soon as practicable. The detention is the responsibility of the detaining officer.

3.6.2.3 In such circumstances the words, 'having inspected the ship' must be deleted, and the form signed by an authorised detaining officer. Records (by both the person serving the notice and the authorised detaining officer) should be made, detailing as much information and photographs as possible.

3.6.3 *Notifying Interested Parties*

3.6.3.1 Where a detention notice is issued to a ship, interested parties should be informed immediately by email with the detention order and report of inspection attached.

3.6.3.2 The PSCO should use the detention email template in Annex 3 to inform relevant parties including:

- Cc Flag State
- Cc Classification Society (Class Cert)

- Cc RO (Statutory)
- Cc RO (ISM)
- Cc Owner
- Cc Ships Agent
- Cc Harbour Master
- Cc MCA – MRCC
- Cc HQ_InspectionOps@mcga.gov.uk
- Cc PSC_Headquarters@mcga.gov.uk
- **BCC** MCA – Public Relations
- Cc HM Customs and Excise
- Cc IMO
- **BCC** MMO INTEL@marinemanagement.org.uk (for fishing vessels only)

3.6.3.3 Notices of detention and release are printed on one side of a single sheet of paper. If there is insufficient space to list the grounds for detention these may be continued on the reverse of the form, but in such cases a clear reference to the continuation should be made on the front page.

3.6.3.4 Where the flag State is a Paris MOU member State, and for other flag States where possible, the flag administration should be informed directly, otherwise reports should be sent to the appropriate Consul or High Commissioner. For UK ships including fishing vessels, the owner should be informed that the ship has been detained and the standard email and detention form emailed to Inspection Operations Branch as soon as possible. The detaining officer must validate or confirm the detention / detention release with a G7 surveyor whose name must be clearly mentioned in the detention / detention release email sent.

3.6.3.5 THETIS should be updated to reflect the detention for Paris MOU PSC Inspections, even if the report is not available for entry.

3.6.3.6 Information from the standard email is also used to compile a list of foreign ships under detention in UK ports, published each month by the MCA. Clearly the information needs to be accurate. In particular, the company recorded must be the party stated on the ISM SMC/ DoC/ ISSC, or if this is not available, the party responsible for the safety of the ship as far as can be established.

3.6.4 Arbitration

3.6.4.1 Procedures for arbitration and compensation are set out in sections 96 and 97 of the Merchant Shipping Act 1995 and regulation 15 of the Merchant Shipping (Port State Control) Regulations 2011. If a Notice of Arbitration is received, Inspection Operations Branch should immediately be informed, and all relevant documentation forwarded to them.

3.6.5 Fees

3.6.5.1 Under the Fees Regulations fees are chargeable for an inspection that results in detention, for revisits to ships to lift detention orders and for other revisits. The fees should reflect the total time spent on the original inspection and on matters relating to the detention or inspection including time spent in the office writing reports, making telephone calls, notifying other authorities and all travelling time.

3.6.5.2 For detained foreign ships, fees should be charged from the start of the inspection until release and all file work is completed, including travel time.

3.6.5.3 Deposit of funds must be received by the MCA prior to re-attendance at the vessel.

3.6.6 Signing Detention and Release Forms

3.6.6.1 On both detention and release from detention forms (MSF 1700 or 1701 and 1702 respectively), the subscript refers to 'Detaining Officer'. Only a person who is authorised under s284 of the Merchant Shipping Act 1995 may sign the detention form.

3.6.6.2 The release of the ship from detention must be done by a person who is authorised under s284 of the Merchant Shipping Act 1995. Thus section 1 of MSF 1702 may be signed by the same person who signed MSF 1700 or 1701, or two different people who are both authorised detaining officers.

3.6.6.3 Section 2 of MSF 1702 serves as a record of serving the release from detention form and to whom it was served. If the person signing MSF 1702 is not the detaining officer who detained the ship originally, section 2 also serves as notification to the original Detaining Officer that the ship has been released. Section 2 should be completed and signed as follows:

- i) in all cases where the person signing the release form is not the original detaining officer but delivers the release note; and
- ii) in all cases where the person signing the release form is the original detaining officer but the papers are delivered by somebody else.

3.6.6.4 It should be noted that there is a record of serving the release from detention form, but no similar record for the serving of the detention form itself. The need for a record of serving of the detention notice is adequately met by the signature of the detaining officer and name of the master being entered in the appropriate place on the form as that meets the requirements of s284(2). The serving of MSF 1702 must be in accordance with s291, in which s291(2a) allows for MSF 1702 to be left on board with the Master or the person who appears to be in command or charge of the ship. If there is no master, then MSF 1702 may

be served on other persons listed in s291(2b) or if no agent is known or found then affixed to the mast.

3.6.7 Geographical Scope

3.6.7.1 In respect of a dangerously unsafe ship the geographical scope of the UK's detention powers has been progressively extended by both the Merchant Shipping Act 1995 and the Merchant Shipping and Maritime Security Act 1997 so that currently they apply to any ship that is –

- (a) in a port in the United Kingdom, or
- (b) at sea in United Kingdom waters (territorial waters)

3.6.7.2 Two important qualifications to this are that these powers do not extend to foreign ships at sea within UK waters that are exercising -

- (a) the right of innocent passage; or
- (b) the right of transit passage through straits used for international navigation.

3.6.7.3 In respect of a ship that fails to comply with Merchant Shipping legislation the extent of the geographical scope is limited to that of the Statutory Instrument or Act under which the authority to detain is being exercised. The regulations should be checked in every case.

3.6.7.4 Ships covered by these powers could include ships anchored in exposed waters where an unconditional detention could put the MCA in a difficult position should an emergency occur. In mitigation, section 284 of the Act allows the detention notice to include, if appropriate, a direction that a ship is required to move to a particular anchorage or berth. The direction may also detail circumstances when the master may move the ship from a specified place for reasons of safety or pollution prevention.

In such cases it is particularly important that a Grade 7 surveyor and any Port Authority are fully consulted before such a direction is issued.

3.6.7.5 Ships may be released to another port for repairs, see Annex 2.

3.7 References

Port State Control Committee Instruction Rev 10 53/2020/06 – Refusal of Access (Banning) Procedure and Notification Checklist.


Paris MoU Port State Control Manual (updated 1 July each year)

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ANNEX 1 – Example Detention Forms

Please note that MSF1708 Detention of a Fishing Vessel for Failure to Comply with Merchant Shipping Legislation is no longer on Pelorus as it was deemed a duplication of detention forms MSF1700 and MSF1701. If detaining a fishing vessel, the detention email templates in Annex 3 should be used.

ID: 2d45576c-9729-42e3-aea8-2d072228184d



NOTICE OF DETENTION OF A SHIP AS DANGEROUSLY UNSAFE

Maritime & Coastguard Agency

Ship's Details

Name of Ship	TEST SHIP 1
Port and Country of Registry	
IMO Number	9999999
Where Lying	

I, [redacted], having inspected the above ship, am of the opinion that it is unfit to proceed to sea [redacted] without serious danger to human life having regard to the nature of service for which the vessel is intended. In exercise of powers in section 95 of the Merchant Shipping Act 1995 the ship is hereby prohibited from going to sea or on a voyage until released by an officer of the Maritime and Coastguard Agency. If applicable, the Chief Office of Customs will withhold clearance until he receives advice from me that the ship has been released. The grounds for detention are:

[redacted]

Direction to ship. Under regulation 9(3) of the Merchant Shipping (Port State Control) Regulations 2011 the detention notice may include a direction that the ship shall remain in a particular place or move to a particular anchorage or berth. It may also specify circumstances when the master may move the ship to a specified place for reasons of safety or prevention of pollution.)

[redacted]

Printed: Yes

Marine Office	Head Quarters	Name	[redacted]
		(Detaining Officer)	
Date	04 August 2020	Signed	[redacted]
Telephone	1234	Office Email	[redacted]

THE MASTER IS HEREBY INFORMED THAT THERE IS A RIGHT OF APPEAL AGAINST THIS DETENTION NOTICE.
Advice on the appeals procedure is contained in a leaflet entitled "Arbitration on Detention of Merchant Ships and Fishing Vessels" attached to this notice.

Provide your full name

Give the name of the port the ship is in, or its location if at sea

Provide a number to identify the ship, using the order of preference as listed

This must state clearly the grounds for detention

Give any directions to be issued to the ship (a Grade 7 surveyor and any Port Authority should be consulted first)

Provision of the Detaining Officer's signature and the name of the Master on the reverse act as the record of serving detention

1/6 MSF 1700 v1.0



Maritime &
Coastguard
Agency

**NOTICE OF DETENTION OF A SHIP FOR FAILURE TO
COMPLY WITH MERCHANT SHIPPING LEGISLATION**

Ship's Details

Name of Ship	TEST SHIP 1
Port and Country of Registry	
IMO Number	9999999
Where Lying	XXXX

Give the details of the ship from its Certificate of Registry

Provide a number to identify the ship, using the order of preference as listed

Give the name of the port the ship is in, or its location if at sea

I, Suzanne Chesson, the detaining officer, in exercise of power contained in the legislation listed below hereby detain this ship because it fails to comply fully with statutory requirements. The ship is prohibited from going to sea or on a voyage until released by an officer of the Maritime and Coastguard Agency. If applicable, the Chief Officer of Customs will withhold clearance until he receives advice from me that the ship has been released. The relevant points are listed below:

Statutory Requirement	Ship does not comply because
	XXXX

Accurately list the UK statutory requirements being contravened. The regulations must be applicable to the ship and have power of detention – errors here could undermine a case at arbitration

Provide your full name

List specifically how the ship does not comply with the requirements

Direction to ship. Under regulation 9(3) of the Merchant Shipping (Port State Control) Regulations 2016, a detention notice may include a direction that the ship shall remain in a particular place or move to a particular anchorage or place. It may also specify circumstances when the master may move the ship from a specified place for reasons of safety or prevention of pollution.)

XXXX

Marine Office	Name
Date	Signed
Telephone	Email

01 January 2021

(Detaining Officer)

Give any directions to be issued to the ship (a Grade 7 surveyor and any Port Authority should be consulted first)

Provision of the Detaining Officer's signature and the name of the Master on the reverse act as the record of serving detention

THE MASTER IS HEREBY INFORMED THAT THERE IS A RIGHT OF APPEAL AGAINST THIS DETENTION NOTICE.
Advice on the appeals procedure is contained in a leaflet entitled "Arbitration on Detention of Merchant Ships and Fishing Vessels" attached to this notice.



NOTICE OF RELEASE FROM DETENTION UNDER THE MERCHANT SHIPPING LEGISLATION

TO THE MASTER

Ship's Details

Name of Ship	TEST SHIP 1
Country of Registry	
IMO Number	9999999
Where Lying	

Give the details of the ship from its Certificate of Registry

Provide a number to identify the ship, using the order of preference as listed

Give the name of the port the ship is in, or its location if at sea

I am satisfied that the defect found in the above named ship has been rectified.

THIS SHIP CAN NOW BE RELEASED FROM DETENTION

Marine Office

Name

(Detaining Officer)

Date 04 August 2020

Signed

Telephone

Email

Sign the form and provide all the necessary information listed

ANNEX 2 - Allowing a Ship to Sail to a Repair Yard as a Condition of Release From Detention

A2.1 Ships which are detained with serious deficiencies during Port State Control, and whose crew or Company are unable to effect satisfactory repairs at the port of inspection, may be released from detention by the detaining surveyor for a single voyage to an agreed repair yard.

A2.2 Definitions

2.2.1	Available	means the repair yard able to start the repairs normally within seven days from the arrival of the ship;
2.2.2	Appropriate	means the repair yard where follow up action can be taken;
2.2.3	Repair port	means the repair yard in/or closest to the port of detention or the port where the ship was authorised to proceed considering the cargo on board

A2.3 Location of Repair Yard

A repair yard fulfilling the above conditions need not necessarily be located within the Paris MOU Region. However, if the appointed repair is yard outside the Paris MOU Region, the ship will be liable for a re-inspection at the first Paris MOU port after the repairs. In such cases Inspection Branch must insert a ship's related message into THETIS for the ship.

A2.4 Action Prior to Releasing the Ship

The detaining surveyor must request agreement from the Port State Authority of the repair yard that the ship intends to proceed to. For example, if the ship intends to go to repair yard in Gdansk, Poland the detaining surveyor must request agreement from the Polish Port State Authority that they will allow the ship to proceed to the port of Gdansk.

Prior to releasing the ship, the detaining surveyor must receive email confirmation from the relevant port State Authority of the intended repair yard that the ship will be accepted and that they will adhere to the Paris MOU communication procedure. It should be noted that although the repair port is not required to be in the Paris MOU region, ports in the region are more able to comply with the procedure.

The detaining surveyor must obtain confirmation from the flag state or the recognised organisation acting on behalf of the flag state that the ship is permitted to proceed to the nearest available and appropriate repair port.

Prior to releasing the ship, the detaining surveyor must receive email confirmation from the flag state or recognised organisation acting on behalf of the flag State that the ship is permitted to proceed to the intended repair port. The confirmation email must include any conditions for the voyage.

The conditions for release must be acceptable to the MCA, who may impose additional conditions.

The form MSF 1716 (FUD1) – Request for Agreement to Proceed to a Repair Yard shall be used. This form is available on the MLD.

A2.5 Confirmation of Contract and Voyage

The Master must provide the detaining surveyor with written confirmation of a repair contract or supply of equipment as appropriate.

A2.6 Certification for Voyage

The Flag State or Recognised Organisation acting on behalf of the flag state must issue single voyage certificates or preferably endorse existing certificates. The voyage will be in ballast and exclude any commercial operations, although in exceptional circumstances cargo already on board may be carried to the repair port, or specified intermediate ports, when it is safe to do so. These ports should be included in the conditions of release on form MSF 1715 (FUD 2) – Conditions of Release to a Repair Port.

A2.7 Conditions of Release

The detaining Surveyor must complete MSF 1715 (FUD2) Conditions of Release to a Repair Port prior to releasing the ship. The MSF 1669 is used to impose the necessary conditions on the ship for the voyage.

The Master must be issued with the MSF 1715 and clearly informed of the conditions of release by the detaining surveyor.

The Master must also be clearly advised that the ship may be banned from EU and Paris MOU ports if it does not comply with these conditions or does not call at the repair port (see form MSF 1715).

The Master must be informed that, as a condition of release, the detaining port must be notified by the port state control authority of the repair port in writing immediately that the ship has arrived at the agreed repair yard (see form MSF 1715).

The detaining Surveyor must specify on the MSF 1715 the date of departure and ETD from the port of detention and the date of arrival and ETA in the port of repair.

The MSF 1715 should be emailed to the port State Authority of the repair port and flag State authority. The following should be copied:

- Recognised Organisation responsible for issuing relevant certificates
- Ships agent
- Harbour Master
- HM Customs and Excise
- MCA – MRCC/MRCC
- MCA – Inspection Operations Branch
- MCA – Public Relations (BCC)
- Paris MOU Secretariat

A2.8 Specifying the Repair Port

The detaining Surveyor must specify on the PSC inspection form and the release from detention notice the name of the port to which the ship is allowed to sail and its ETA.

The detaining Surveyor must tick the following boxes in Section 20 of the MSF 1600B from:

- Ship allowed to sail after detention
- Repair port to re-detain

ANNEX 3 – Detention Email Templates

Detention Email Template

The following detention email template should be used to inform all relevant parties which include:

- Cc Flag State
- Cc Classification Society (Class Cert)
- Cc RO (Statutory)
- Cc RO (ISM)
- Cc Owner
- Cc Ships Agent
- Cc Harbour Master
- Cc MCA – MRCC
- Cc HQ_InspectionOps@mcga.gov.uk
- Cc PSC_Headquarters@mcga.gov.uk
- **BCC** MCA – Public Relations
- Cc HM Customs and Excise
- Cc IMO
- **BCC** MMO/Marine Scotland INTEL@marinemanagement.org.uk (for fishing vessels only)

The detention order and report of inspection should be attached.

From:

To:

Subject: URGENT NOTIFICATION OF DETENTION : MV XXXXXXXXXXXX / IMO: XXXXXXXX / Date: XX-XX-XX / At: Port of XXXXX

Urgent: High

Following parties notified (please tick the applicable boxes):

<input type="checkbox"/> Flag State	<input type="checkbox"/> Class Society	<input type="checkbox"/> RO (Statutory)	<input type="checkbox"/> RO (ISM)
<input type="checkbox"/> Owner	<input type="checkbox"/> Ship's Agent	<input type="checkbox"/> Harbour Master	<input type="checkbox"/> IMO
<input type="checkbox"/> MCA-Public Relations (BCC)	<input type="checkbox"/> HM Customs & Excise	<input type="checkbox"/> Inspection Operations – MCA HQ	<input type="checkbox"/> Confirming Officer
<input type="checkbox"/> MMO/Marine Scotland (for FV only) (BCC)			

Good day all,

This is to inform that vessel *name*, IMO number: XXXXXXXX has been detained by XXXXXX Marine Office, MCA UK .

Place of Detention: XXXXX Date & Time of Detention: dd-mm-yyyy XX:XX hrs.

Other vessel details:

Flag: XXXXXXXX Ship Type: XXXXXXXX Gross Tonnage: XXXXXXXX

Ground(s) for detention including convention reference(s) are:

(Further details are available in the notice of detention and report of inspection.)

Additional information relating to detention

Classification Society (-ies) responsible for issuance of Class Certificates: XXXXXXXX

Recognised Organisation(s) responsible for issuance of certificates on behalf of Flag: XXXXXXXX

Recognised Organisation responsible for issuance ISM Certificates: XXXXXXXX

Do any detainable deficiencies meet criteria for RO Responsibility? : Yes / No

Please note the following text needs to be added for suspended inspections.

The inspection is suspended until the responsible parties, flag State and Recognized Organizations have ensured that the ship complies with all applicable Conventions.

A copy of notice of detention and report of inspection is attached for reference.

Confirming surveyor for the detention is : XXXXXXXX

All requested to acknowledge receipt of the message by return.

Detention Release Email Template

The following release from detention email template should be used to inform all relevant parties which include:

- Cc Flag State
- Cc Classification Society (Class Cert)
- Cc RO (Statutory)
- Cc RO (ISM)
- Cc Owner
- Cc Ships Agent
- Cc Harbour Master
- Cc MCA – MRCC
- Cc HQ_InspectionOps@mcga.gov.uk
- Cc PSC_Headquarters@mcga.gov.uk
- **BCC** MCA – Public Relations
- Cc HM Customs and Excise
- Cc IMO
- **BCC** MMO/Marine Scotland INTEL@marinemanagement.org.uk (for fishing vessels only)

The release from detention email template below should be used with MSF1702 attached:

From:

To:

Subject: URGENT NOTIFICATION OF DETENTION RELEASE: MV
XXXXXXXXXX / IMO: XXXXXXXX / Date: XX-XX-XX / At: Port of XXXXX

Urgent: High

Following parties notified (please tick the applicable boxes):

<input type="checkbox"/> Flag State	<input type="checkbox"/> Class Society	<input type="checkbox"/> RO (Statutory)	<input type="checkbox"/> RO (ISM)
<input type="checkbox"/> Owner	<input type="checkbox"/> Ship's Agent	<input type="checkbox"/> Harbour Master	<input type="checkbox"/> IMO
<input type="checkbox"/> MCA-Public Relations (BCC)	<input type="checkbox"/> HM Customs & Excise	<input type="checkbox"/> Inspection Operations – MCA HQ	<input type="checkbox"/> Confirming Officer
<input type="checkbox"/> MMO/Marine Scotland (for FV only) (BCC)			

Good day all,

This is to inform that vessel *name*, IMO number: XXXXXXXX has been released from detention by XXXXXXXX Marine Office, MCA UK.

Place of Release: XXXXX Date and Time of Release: dd-mm-yyyy XX:XX hrs.

Other vessel details:

Flag: XXXXXXXX Ship Type: XXXXXXXX Gross Tonnage: XXXXXXXX

Further Comments:

(Further details are available in the notice of detention and report of inspection.)

Additional information relating to detention (if details have changed subsequent to detention):

Classification Society (-ies) responsible for issuance of Class Certificates: XXXXXXXX

Recognised Organisation(s) responsible for issuance of certificates on behalf of Flag: XXXXXXXX

Recognised Organisation responsible for issuance ISM Certificates: XXXXXXXX

Confirming surveyor for the detention release is : XXXXXXXX

All requested to acknowledge receipt of the message by return.

FLOWCHART SUMMARISING THE PROCEDURE FOR DETAINING SHIPS

