



MARINE SAFETY AGENCY

MERCHANT SHIPPING NOTICE

No. M.1613

Merchant Shipping (Survey and Certification) Regulations 1995 – Arbitration Procedure

Notice to the Owners and Operators of ships and fishing vessels

The Merchant Shipping (Survey and Certification) Regulations 1995, which entered into force on 1 June 1995, replaced the provisions for appeal to a Court of Survey in the Merchant Shipping Act 1894 and the Merchant Shipping (Safety Convention) Act 1949, by an arbitration procedure. The 1995 Regulations require an M Notice to set out the Rules which are to apply to the arbitration process unless alternative procedures are agreed between the parties before the commencement of the arbitration proceedings. These Rules and the associated advice on an appeal against the decision of the arbitrator, are provided in this Notice.

Rules of Arbitration

1. Unless other arrangements are agreed beforehand, the arbitration and the responsibility for its costs will be as given below.

2. The arbitration procedures will follow those used in a Court of Law, that is both parties will argue their case in turn, may call witnesses and question other witnesses.

3. Lawyers need not be used to represent the parties and submissions may be made to the arbitrator in writing in lieu of attending the arbitration hearing.

4. If both parties agree, the arbitrator may consult an expert, or call for an expert's report, upon any matter relevant to the dispute, or invite an expert to attend the hearing as an assessor.

5. The arbitrator may visit the ship, or any establishment, in connection with the hearing if this is considered to be necessary.

6. The arbitrator's decision, and the reasons for the decision, will be made in writing and will be binding on both parties.

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