

## **Appeal Procedures of Member Authorities of the Tokyo MOU**

For member Authorities of the Tokyo MOU, the particulars necessary to submit a National appeal are listed below:

Click on the name of Authority for details.

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[Chile](#)

[China](#)

[Fiji](#)

[Hong Kong, China](#)

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**National appeal procedure – Authority of Australia**



<b>The appeal shall be made by:</b>	
Owner (IMO Identification number)	X
ISM Operator (IMO Company number)	X
Master	X
Other – Flag State may appeal	X

<b>The appeal shall be made to:</b>	<b>Address:</b>
Manager Ship Inspection & Registration	Australian Maritime Safety Authority GPO Box 2181 Canberra, ACT 2601 Australia
	Tel: +61 2 6279 5048
	Fax: +61 2 6279 5058
	E-Mail: <a href="mailto:psc@amsa.gov.au">psc@amsa.gov.au</a>

Deadline for submission	Days
From the date of release	
From the date of detention	28
Other	

Language		Submitted by	
English	X	Letter	X
		Fax	X
Other		Other: E-Mail	X
		Email preferred.	

**Other relevant information**

AMSA has an informal appeal process which is that any decision relating to port State control may be appealed in writing to the Manager Ship Inspection as soon as possible from the time of the decision.

The formal National appeal process is that a person affected by a decision relating to port State control may, subject to the *Administrative Appeals Tribunal Act 1975*, apply to the Australian *Administrative Appeals Tribunal* (AAT) for a review of the decision. This appeal must generally be made within 28 days of the appealed decision being made.

The master of the vessel is advised of the appeal procedure upon conclusion of the inspection. This procedure is also printed on the back of the detention notification handed to the master when a vessel is detained.

**National appeal procedure – Authority of Canada**



<b>The appeal shall be made by:</b>	
Owner (IMO Identification number)	X
ISM Operator (IMO Company number)	
Master	X
Other	

<b>The appeal shall be made to:</b>	<b>Address:</b>
MTRB, National Vice -Chair	Place de Ville, Tower “C”
Transport Canada	11 <sup>th</sup> Floor, 330 Sparks Street
Marine Safety, AMS	Ottawa, Ontario
	K1A 0N5
	Fax: 613-993-8196/613-991-5670
	E-mail: <a href="mailto:MTRB-BETMM@tc.gc.ca">MTRB-BETMM@tc.gc.ca</a>

<b>Deadline for submission</b>	<b>Days</b>
From the date of release	30
From the date of detention	
Other	

<b>Language</b>		<b>Submitted by</b>	
English	x	Letter	x
French	x	Fax	x
Other		Other - Email	

<p><b>Other relevant information</b></p> <p>Transport Canada has policy for the process of detention order review by the Marine Technical Review Board as set out in the Vessel Detention Orders Review Regulations.</p> <p>The National Vice-Chair          Marine Technical Review Board          Transport Canada Marine Safety, AMSX          Place de Ville, Tower C, 11<sup>th</sup> Floor, 330 Sparks Street,          Ottawa, Ontario. K1A 0N8          Fax: +613 993-8196/ +613 991-5670          E-mail: <a href="mailto:MTRB-BETMM@tc.gc.ca">MTRB-BETMM@tc.gc.ca</a></p> <p><a href="http://laws-lois.justice.gc.ca/eng/regulations/SOR-2007-127/">http://laws-lois.justice.gc.ca/eng/regulations/SOR-2007-127/</a>  <a href="http://www.tc.gc.ca/eng/marinesafety/tp-tp13585-policy-detention-review-mtrb-1994.htm">http://www.tc.gc.ca/eng/marinesafety/tp-tp13585-policy-detention-review-mtrb-1994.htm</a>  <a href="http://www.tc.gc.ca/eng/marinesafety/tp-tp13585-procedures-review-detention-orders-2009.htm">http://www.tc.gc.ca/eng/marinesafety/tp-tp13585-procedures-review-detention-orders-2009.htm</a></p>
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**National appeal procedure – Authority of Chile**



<b>The appeal shall be made by:</b>	
Owner (IMO Identification number)	X
ISM Operator (IMO Company number)	X
Master	X
Other	

<b>The appeal shall be made to:</b>	<b>Address:</b>
Local Maritime Authority in each port; and General Director of the Maritime Territory and Merchant Marine – Chilean Navy. (DIRECTEMAR)	Address: Av. Errázuriz N°537, Valparaíso, Chile. Phone: +56 32 2208101 and 2208102. Fax: +56 32 2208097 E-mail: <a href="mailto:director@directemar.cl">director@directemar.cl</a>

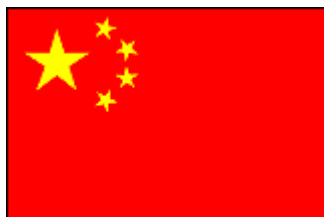
<b>Deadline for submission</b>	<b>Days</b>
From the date of release	
From the date of detention	
Other	

<b>Language</b>		<b>Submitted by</b>	
English	X	Letter	X
		Fax	
Other		Other	

**Other relevant information**

According to DIRECTEMAR Circular 0-71/004, decisions concerning detention about Port State Control can be administrative appealed, and the claim document can be addressed by the ship master directly to the Local Maritime Authority in the port. If the result of the decision taken by the Local Maritime Authority, are negative, the master/owner/operator of a ship has the right of a reconsideration petition against the official notice of denied to the Chilean Maritime Directorate, basis in the Chilean Law, specially article 15 of the Law 19.880/2003 for the Administrative Proceedings. In both cases, the appeal procedure does not lead the suspension of the detention.

**National appeal procedure – Authority of China**



<b>The appeal shall be made by:</b>	
Owner (IMO Identification number)	X
ISM Operator (IMO Company number)	X
Master	
Other: <b>Flag State</b>	X

<b>The appeal shall be made to:</b>	<b>Address:</b>	<b>PSC local offices covered</b>
Liaoning MSA	25 Changjiang Road, Zhongshan District, Dalian, Liaoning Province, 116001 The People's Republic of China Tel:+86-411-82626736 Fax:: +86-411-82623047 E-mail: <a href="mailto:liaoning_psc@msa.gov.cn">liaoning_psc@msa.gov.cn</a>	Jinzhou Dandong Dalian Yingkou
Hebei MSA	76 west Qinhuang Avenue, Qinhuangdao, 066004 The People's Republic of China Tel:+86-335-5366816 Fax: +86-335-5366815 E-mail: <a href="mailto:hebei_psc@msa.gov.cn">hebei_psc@msa.gov.cn</a>	Caofeidian Tangshan Qinhuangdao Cangzhou
Tianjin MSA	369 South Jiefang Road, Hexi District, Tianjin City, 300211 The People's Republic of China Tel: +86-22-58876816 Fax: +86-22-58876635 E-mail: <a href="mailto:tianjin_psc@msa.gov.cn">tianjin_psc@msa.gov.cn</a>	Tianjin
Shandong MSA	21 Wuxia Road, Qingdao City, 266002 The People's Republic of China Tel:+86-532-58761552 Fax:+86-532-58761553 E-mail: <a href="mailto:shandong_psc@msa.gov.cn">shandong_psc@msa.gov.cn</a>	Qingdao Yantai Weihai Rizhao Weifang Dongying

<b>The appeal shall be made to:</b>	<b>Address:</b>	<b>PSC local offices covered</b>
Jiangsu MSA	238 Zhongyang Road, Nanjing City, 210009 The People's Republic of China Tel:+86-25-83520199 Fax:+86-25-83520192 E-mail: <a href="mailto:jiangsu_psc@msa.gov.cn">jiangsu_psc@msa.gov.cn</a>	Yangzhou Taicang Changzhou Changshu Nantong Zhangjiagang Lianyugang Nanjing Jiangyin Zhenjiang Taizhou, Jiangsu Yancheng
Zhejiang MSA	1 Yeqingdou Road, Hangzhou City, Zhejiang Province, 310005 The People's Republic of China Tel:+86-571-88372721 Fax:+86-571-88372722 E-mail: <a href="mailto:zhejiang_psc@msa.gov.cn">zhejiang_psc@msa.gov.cn</a>	Taizhou, Zhejiang Wenzhou Zhoushang Ningbo Jiaxing
Shanghai MSA	190 Siping Road, Shanghai City, 200086 The People's Republic of China Tel: +86-21-66072786 Fax: +86-21-66072784 E-mail: <a href="mailto:shanghai_psc@msa.gov.cn">shanghai_psc@msa.gov.cn</a>	Shanghai
Shenzhen MSA	2031 BinheRoad, Futian District, Shenzhen City, Guangdong Province, 518034 The People's Republic of China Tel: +86-755-83797062 Fax: +86-755-83797062 E-mail: <a href="mailto:shenzhen_psc@msa.gov.cn">shenzhen_psc@msa.gov.cn</a>	Shenzhen
Changjiang MSA	1525 Jiefang Road, Wuhan City, Hubei Province, 430016 The People's Republic of China Tel: +86-27-82765351 Fax: +86-27-82427400 E-mail: <a href="mailto:changjiang_psc@msa.gov.cn">changjiang_psc@msa.gov.cn</a>	Wuhu Anqing
Fujian MSA	116 West Erhuan Road, Fuzhou City, Fujian Province, 350004 The People's Republic of China Tel: +86-591-83838873 Fax: +86-591-83838821 E-mail: <a href="mailto:fujian_psc@msa.gov.cn">fujian_psc@msa.gov.cn</a>	Quanzhou Fuzhou Xiamen Putian Ningde Zhangzhou

The appeal shall be made to:	Address:	PSC local offices covered
Guangdong MSA	47 Yile Road Guangzhou City, Guangdong Province, 510230 The People's Republic of China Tel: +86-20-89098753 Fax: + 86-20-89098701. E-mail: <a href="mailto:guangdong_psc@msa.gov.cn">guangdong_psc@msa.gov.cn</a>	Huizhou Maoming Guangzhou Zhanjiang Zhuhai Shantou Dongguan Yangjiang
Guangxi MSA	18 Jinpu Road, Nanning City, Guangxi Province, 530028 The People's Republic of China Tel: +86-771-5537272 Fax: +86-771-5532929 E-mail: <a href="mailto:guangxi_psc@msa.gov.cn">guangxi_psc@msa.gov.cn</a>	Qinzhou Fangcheng Beihai
Hainan MSA	137 Binhai Road, Haikou City, Hainan Province, 570311 The People's Republic of China Tel:+86-898-68626030 Fax: +86-898-68626121 E-mail: <a href="mailto:hainan_psc@msa.gov.cn">hainan_psc@msa.gov.cn</a>	Haikou Yangpu

Deadline for submission	Days
From the date of release	
From the date of detention	60
Other	

Language		Submitted by	
English	X	Letter	X
		Fax	X
Other		Other	

Other relevant information
<p><b>Detention Appeal Procedures in China</b></p> <p>1 In accordance with national administrative review regulations, appeal against the decision of detention could be made to the related regional MSA offices (totally 13), which cover certain port offices which deliver the notice of the detention, within 60 days from the date of detention. The regional MSA office, taking the responsibility of supervising the quality of PSC inspections, will examine and make decision on the appeal within 60 days from the date of acceptance of the appeal.</p> <p>In the case of the appeal-maker does not accept the decision made by the regional MSA office, it might forward the appeal to the head office for reviewing again.</p> <p>The appeal might also be forwarded to the head office of China MSA directly. Generally, however, the appeal will be transferred to the regional MSA in charge for initial reviewing before</p>

the head office returning its decision to the qualified appeal-maker.

2 In the case of the party concerned disagreed with the decision of the administrative review, the appeal may be brought to a People's Court in accordance with the national laws.



**National appeal procedure – Authority of Fiji**



<b>The appeal shall be made by:</b>	
Owner (IMO Identification number)	X
ISM Operator (IMO Company number)	X
Master	X
Other: Ships' Agent	

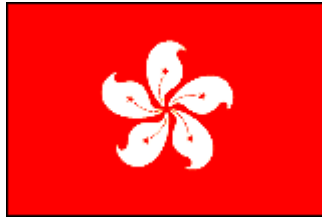
<b>The appeal shall be made to:</b>	<b>Address:</b>
CEO Maritime Safety Authority of Fiji	PO Box 326
Tel: (679) 3315266	Walu Bay
	Suva
	Fiji

<b>Deadline for submission</b>	<b>Days</b>
From the date of release	14
From the date of detention	7
Other	

<b>Language</b>		<b>Submitted by</b>	
English	X	Letter	X
		Fax	X
Other		Other	
		Scanned letter via e mail	

<p><b>Other relevant information</b></p> <p>No procedures are in place however the final decision is vested with the CEO MSAF. <i>Fiji Islands Maritime Safety Administration(FIMSA) is now called the Maritime Safety Authority of Fiji.(MSAF)</i></p>
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**National appeal procedure – Authority of Hong Kong, China**



<b>The appeal shall be made by:</b>	
Owner (IMO Identification number)	X
ISM Operator (IMO Company number)	
Master	X
Other	

<b>The appeal shall be made to:</b>	<b>Address:</b>
General Manager/Ship Safety Branch, Shipping Division, Marine Department, HKSARG	Shipping Division, Marine Department, HKSARG 22/F., Harbour Building, 38 Pier Road, Central, Hong Kong. Fax No.: (852) 2854 9416 Email: <a href="mailto:ssb@mardep.gov.hk">ssb@mardep.gov.hk</a>

<b>Deadline for submission</b>	<b>Days</b>
From the date of release	
From the date of detention	30
Other	

<b>Language</b>		<b>Submitted by</b>	
English	X	Letter	X
		Fax	X
Other: Chinese		Other: Email	

<b>Other relevant information</b>
<b><u>Procedures to seek review of detention of ship</u></b>
<p>1. When a ship in Hong Kong waters is detained by Marine Department Port State Control Officer(s) on the ground that the ship is unsafe to proceed to sea and/or fails to comply with the applicable international convention requirement(s), the master or owner of the ship may, if believing that the ship has been unduly detained, request the Marine Department to review the detention.</p> <p>2. Request for review of detention shall be made in writing within thirty (30) days from the date the notification of detention is served, either by fax or by post to:</p>

The General Manager/Ship Safety Branch,  
Shipping Division,  
Marine Department, HKSARG  
22/F., Harbour Building,  
38 Pier Road, Central,  
Hong Kong.  
(Fax No.: (852) 2854 9416 or Email: [ssb@mardep.gov.hk](mailto:ssb@mardep.gov.hk))

Stating the reason(s) why the master or owner considers that the ship should not be detained.

3. The master or owner will be informed in writing of the decision of review within fourteen (14) days upon receipt of the request for the review of detention.

**National Procedures for Legal Appeal of PSC Detentions and contact information for Hong Kong (China)**

Appeal Procedures

The right of appeal is contained in the Merchant Shipping (Safety) Ordinance, Cap. 369 and Merchant Shipping (Court of Survey) Regulations, Cap. 369A.

If the master or owner of a ship is aggrieved by the decision of the Marine Department to detain the ship, the concerned master or owner may appeal against the decision to a Court of Survey in accordance with the Merchant Shipping (Court of Survey) Regulation. However, the lodging of such an appeal shall not cause the detention to be suspended.

The appeal shall be lodged by filing with the Director of Marine a notice in the form as prescribed in the Merchant Shipping (Court of Survey) Regulation.

**National appeal procedure – Authority of Indonesia**



<b>The appeal shall be made by:</b>	
Owner (IMO Identification number)	
ISM Operator (IMO Company number)	
Master	
Other	

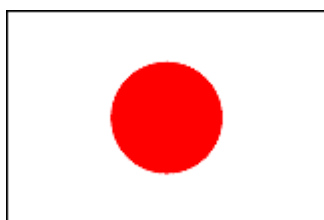
<b>The appeal shall be made to:</b>	<b>Address:</b>

<b>Deadline for submission</b>	<b>Days</b>
From the date of release	
From the date of detention	
Other	

<b>Language</b>	<b>Submitted by</b>
English	Letter
	Fax
Other	Other

<b>Other relevant information</b>
Indonesian National Law does not regulated any appeals procedures against the decision of detention of the vessel, however the head office of PSC would consider any complaining of appeals against the detention to address:  Department of Transportation Directorate General of Sea Transportation Directorate of Guard and Rescue Jl. Medan Merdeka Barat No.8 Jakarta 10110 Tel: +62-21-3506530 Fax: +62-21-3507574

**National appeal procedure – Authority of Japan**



<b>The appeal shall be made by:</b>	
Owner (IMO Identification number)	X
ISM Operator (IMO Company number)	X
Master	X
Other:	

<b>The appeal shall be made to:</b>	<b>Address:</b>
Port State Control Office General Affairs Division Maritime Bureau Ministry of Land, Infrastructure, Transport and Tourism	2-1-3 Kasumigaseki Chiyoda-ku Tokyo, Japan

<b>Deadline for submission</b>	<b>Days</b>
From the date of release	
From the date of detention	3 months
Other	

<b>Language</b>		<b>Submitted by</b>	
English		Letter	X
		Fax	
Other		Other	

<p><b>Other relevant information</b></p> <ol style="list-style-type: none"> <li>1. Ship's master or the representative may appeal against the decision of detention.</li> <li>2. The procedures for the application are provided by "Administrative Appeal Law" in Japan.</li> <li>3. The appeal shall be made within 3 months after the date of detention and in writing with the information required by the provisions of the law.</li> <li>4. The application of the appeal will not revoke the decision nor suspend the detention in accordance with the provisions of the article 25 of the law.</li> </ol>
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**National appeal procedure – Authority of Republic of Korea**



<b>The appeal shall be made by:</b>	
Owner (IMO Identification number)	X
ISM Operator (IMO Company number)	X
Master	X
Other	

<b>The appeal shall be made to:</b>	<b>Address:</b>	<b>PSC local offices covered</b>
Busan Regional Oceans and Fisheries Administration	351, Chungjangdae-ro, Dong-gu Busan 601-726 Tel: +82-51-609 6531~3 Fax: +82-51-609 6529 E-mail: <a href="mailto:psckorea@korea.kr">psckorea@korea.kr</a>	Busan Gamcheon Busan New Port
Incheon Regional Oceans and Fisheries Administration	365-1, Seohaedae-ro, Jung-gu Incheon 400-705 Tel: +82-32-880 6452~4 Fax: +82-32-884 3564 E-mail: <a href="mailto:psckorea@korea.kr">psckorea@korea.kr</a>	Incheon Gyeongin
Yeosu Regional Oceans and Fisheries Administration	107, Yeoseo 1-ro, Yeosu-si, Jeonnam 550-705 Tel: +82-61-650 6035 or 6043 Fax: +82-61-654 2456 E-mail: <a href="mailto:psckorea@korea.kr">psckorea@korea.kr</a>	Yeosu Gwangyang Yeocheon
Masan Regional Oceans and Fisheries Administration	10, Je2budu-ro, Masanhappo-gu, Changwon-si, Gyeongsangnam-do 631-441 Tel: +82-55-981 5100~2 Fax: +82-55-242 1260 E-mail: <a href="mailto:psckorea@korea.kr">psckorea@korea.kr</a>	Masan Samcheonpo Tongyoung Okpo Jinhae Geoje
Ulsan Regional Oceans and Fisheries Administration	139-9, Maeam-dong, Nam-gu Ulsan 680-050 Tel: +82-52-228 5590~2 Fax: +82-52-228 5559 E-mail: <a href="mailto:psckorea@korea.kr">psckorea@korea.kr</a>	Ulsan Onsan

<b>The appeal shall be made to:</b>	<b>Address:</b>	<b>PSC local offices covered</b>
Donghae Regional Oceans and Fisheries Administration	46, Pyeongwon-ro, Donghae-si, Gangwon-do 240-020 Tel: +82-33-520 6146~9 Fax: +82-33-520 6140 E-mail: <a href="mailto:psckorea@korea.kr">psckorea@korea.kr</a>	Donghae Samcheok Okgye Mukho Sokcho Hosan
Gunsan Regional Oceans and Fisheries Administration	Seolrim-gil 11, Gunsan-si, Jeonbuk 573-882 Tel: +82-63-441 2244~5,2207 Fax: +82-63-441 2352 E-mail: <a href="mailto:psckorea@korea.kr">psckorea@korea.kr</a>	Gunsan Janghang
Mokpo Regional Oceans and Fisheries Administration	130, Tongil-daero, Mokpo-si, Jeonnam 530-847 Tel: +82-61-280 1646~7 Fax: +82-61-280 1655 E-mail: <a href="mailto:psckorea@korea.kr">psckorea@korea.kr</a>	Mokpo Wando
Pohang Regional Oceans and Fisheries Administration	376, Haedong-ro, Buk-gu, Pohang-si, Gyeongsangbuk-do 791-120 Tel: +82-54-245 1526~7 Fax: +82-54-242 1326 E-mail: <a href="mailto:psckorea@korea.kr">psckorea@korea.kr</a>	Pohang
Pyeongtaek Regional Oceans and Fisheries Administration	116, Pyeongtaekhangman-gil, Poseung-eup, Pyeongtaek-si, Gyeonggi-do, Korea 451-821 Tel: +82-31-680 7225~8 Fax: +82-31-680 7229 E-mail: <a href="mailto:psckorea@korea.kr">psckorea@korea.kr</a>	Pyeongtaek
Daesan Regional Oceans and Fisheries Administration	42, Hongcheon-ro, Seosan-si, Chungnam 356-040 Tel: +82-41-660 7635~8 Fax: +82-41-663 0347 E-mail: <a href="mailto:psckorea@korea.kr">psckorea@korea.kr</a>	Daesan Boryeong Taeon Dangjin
Jeju Oceans & Fisheries Management Division	128, Imhang-ro, Jeju-si, Jeju-do 690-801 Tel: +82-64-720 2648 Fax: +82-64-720 2602 E-mail: <a href="mailto:psckorea@korea.kr">psckorea@korea.kr</a>	Jeju Seogwipo

<b>Deadline for submission</b>	<b>Days</b>
From the date of release	
From the date of detention	90
Other	

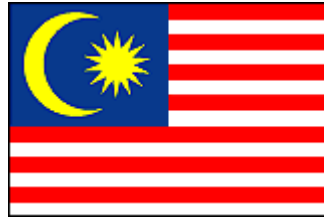
<b>Language</b>		<b>Submitted by</b>	
English	X	Letter	X
		Fax	X
Other		Other	
		Visit, every means of	

**Other relevant information**

*International ship and port facility security act (Korean national law) Regulation 19*



**National appeal procedure – Authority of Malaysia**



<b>The appeal shall be made by:</b>	
Owner (IMO Identification number)	
ISM Operator (IMO Company number)	X
Master	
Other	

<b>The appeal shall be made to:</b>	<b>Address:</b>
Ship Accreditation Unit	Maritime Industrial Control Division, Malaysia Marine Department, P.O. Box 12, Jalan Limbungan, 42007 Port Klang, Selangor, Malaysia.
	Tel: +603-3346 7777
	Fax: +603-3168 4454
	E-mail: <a href="mailto:hafiz@marine.gov.my">hafiz@marine.gov.my</a> or <a href="mailto:mypsc@marine.gov.my">mypsc@marine.gov.my</a>

<b>Deadline for submission</b>	<b>Days</b>
From the date of release	
From the date of detention	90
Other	

<b>Language</b>		<b>Submitted by</b>	
English	X	Letter	X
		Fax	X
Other		Other	

<b>Other relevant information</b>

**National appeal procedure – Authority of Marshall Islands**



<b>The appeal shall be made by:</b>	
Owner (IMO Identification number)	X
ISM Operator (IMO Company number)	X
Master	
Other: Flag State	X

<b>The appeal shall be made to:</b>	<b>Address:</b>
Secretary of Transportation and Communications	Ministry of Transportation and Communications Republic of the Marshall Islands P.O. Box 1079 Majuro, MH 96960 Fax: + 692 625 3486

<b>Deadline for submission</b>	<b>Days</b>
From the date of release	
From the date of detention	30
Other	

<b>Language</b>		<b>Submitted by</b>	
English	X	Letter	X
		Fax	X
Other		Other	

<p><b>Other relevant information</b></p> <p>.1 When a vessel is detained by a PSCO in RMI waters on the grounds that the vessel is unsafe to proceed to sea, poses an unreasonable risk to personnel or the marine environment, and/or fails to comply with applicable national or international requirements, the owner, ISM operator, or flag State of the vessel may, if believing that the vessel has been unduly detained, appeal to the Secretary of Transportation and Communications for a review the detention.</p> <p>.2 The shipowner, ISM operator, or flag State may request a detention to be reviewed by submitting such request along with a statement and supporting documentation of the reasons why the owner, operator, or flag State believe that the vessel has been or was detained in error. Such request shall be made in writing within 30 days of the date the notification of the detention was served, either via mail or facsimile to:</p>
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Secretary of Transportation and Communications  
Ministry of Transportation and Communications  
Republic of the Marshall Islands

P.O. Box 1079  
Majuro, MH 96960  
Fax: + 692 625 3486

.3 The appealing party shall be notified in writing of the determination of the Secretary of Transportation and Communications within 30 business days from receipt of the request for review of the detention.

**National appeal procedure – Authority of New Zealand**



<b>The appeal shall be made by:</b>	
Owner (IMO Identification number)	X
ISM Operator (IMO Company number)	X
Master	X
Other	

<b>The appeal shall be made to:</b>	<b>Address:</b>
Manager, International & Coastal Shipping	Maritime New Zealand 1 Grey Street Wellington, 6011 New Zealand E-mail: <a href="mailto:InternationalShipping@maritimenz.govt.nz">InternationalShipping@maritimenz.govt.nz</a>

<b>Deadline for submission</b>	<b>Days</b>
From the date of release	
From the date of detention	X
Other	

<b>Language</b>		<b>Submitted by</b>	
English	X	Letter	X
		Fax	X
Other		Other - E-Mail	

<p><b>Other relevant information</b></p> <p>The owner / operator has the right of appeal under Section 55(7) of the Maritime Transport Act 1994, which provides for the appeal against detention to a District Court under Section 424 of the Act. The procedure for appeal is stated in Section 425 of that Act.</p> <p>In general, an appeal against detention will come through Maritime New Zealand for review of the case. The detention appeal or complaint is reviewed and put to a panel of at least 3 persons, with the facts sought from the PSC Officer who conducted the inspection. An assessment is undertaken, to determine that procedural as well as technical processes have been followed. In the event that the findings are found to be correct, the report stands, this is confirmed to the operator. If after review, it is identified that the issuance of the detention notice was not appropriate, APCIS will be requested to amend / remove the deficiency / detention and the</p>
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operator advised accordingly.

In the event the operator is still not satisfied, the legal provision as stated above is available to them.

#### **424 Rights of appeal**

- (1) Where any other section of this Act provides that any person has a right of appeal under this section against a decision in respect of that person, that person may appeal to a District Court against that decision in accordance with this Part.
- (2) It is hereby declared that the exercise of any power conferred on the Director by any section that confers a right of appeal of the kind referred to in subsection (1) is, except where that section specifies that the right of appeal applies to a particular decision or decisions, a decision in respect of a person within the meaning of that section and may be appealed against under this section.
- (3) The owner of a ship, offshore installation, pipeline, maritime product, marine protection product, or other real or personal property shall, for the purposes of exercising a right of appeal under this section, be the person who is the owner of the ship, offshore installation, pipeline, maritime product, marine protection product, or other real or personal property for the purposes of that Part which contains the section giving rise to the right of appeal.

#### **425 Procedure**

- (1) Every appeal under [section 424](#) shall be brought, by originating application, not more than 28 days after the date on which the appellant is notified of the decision appealed against, or within such further period as the District Court may allow.
- (2) In determining an appeal under [section 424](#) the District Court may—
  - (a) hear all evidence tendered and representations made by or on behalf of any party to the appeal, whether or not that evidence would be otherwise admissible in that court; and
  - (b) either—
    - (i) confirm, reverse, or modify the decision appealed against, and make such orders and give such directions to the Authority, the Director, or the harbourmaster, as the case may require, as may be necessary to give effect to the court's decision; or
    - (ii) refer the matter back to the Authority, the Director, or the harbourmaster, as the case may require, with directions to reconsider the whole or any specified part of the matter.
- (3) Any appeal under this section shall be by way of rehearing.
- (4) Subject to this section, every such appeal shall be made and determined in accordance with the [District Courts Act 1947](#) and the rules of court made under that Act.
- (5) Subject to [section 427](#), the decision of the District Court shall be final.

**National appeal procedure – Authority of Papua New Guinea**



<b>The appeal shall be made by:</b>	
Owner (IMO Identification number)	X
ISM Operator (IMO Company number)	
Master	
Other	

<b>The appeal shall be made to:</b>	<b>Address:</b>
Capt. Nurur RAHMAN, Executive Manager, Maritime Operations	National Maritime Safety Authority, Level 3, Defens Haus, P.O.Box 668, Port Moresby, N.C.D, 121, Papua New Guinea. Tel: +675-305-4600 Fax: +675-321-6873

<b>Deadline for submission</b>	<b>Days</b>
From the date of release	
From the date of detention	30
Other	

<b>Language</b>		<b>Submitted by</b>	
English	X	Letter	X
		Fax	X
Other		Other; (email) X	

<p><b>Other relevant information</b></p> <p>1. The appeal against a Detention Order shall be made in writing by the Owner of the concerned vessel within 30 days from the date of detention. It shall be submitted or emailed to the Executive Manger, Maritime Operations of the National Maritime Safety Authority (e-mail: <a href="mailto:nmsa@nmsa.gov.pg">nmsa@nmsa.gov.pg</a> and <a href="mailto:nrahman@nmsa.gov.pg">nrahman@nmsa.gov.pg</a>).</p> <p>2. Within 15 days upon receipt of the appeal, the Executive Manager, Maritime Operations of NMSA will notify the Owner of the concerned vessel of the actions being undertaken.</p> <p>3. If there is any claim against the NMSA, this should be settled no later than 90 days following the receipt of an official claim.</p> <p>4. In case of dissatisfaction with the outcome of the Appeals process by the Owner of the</p>
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concerned vessel, a complaint may be submitted to the General Manager/CEO of the National Maritime Safety Authority (NMSA) who shall acknowledge receipt of such a complaint within 7 days of receipt and take appropriate action within the next 30 days. The General Manager /CEO of NMSA can be contacted via e-mail: [nmsa@nmsa.gov.pg](mailto:nmsa@nmsa.gov.pg) and [punas@nmsa.gov.pg](mailto:punas@nmsa.gov.pg); telephone:+6753054600.

**National appeal procedure – Authority of Peru**



<b>The appeal shall be made by:</b>	
Owner (IMO Identification number)	X
ISM Operator (IMO Company number)	X
Master	X
Other	

<b>The appeal shall be made to:</b>	<b>Address:</b>
Captaincy of Port of the jurisdiction and/or General Directorate of Captaincies and Coast Guard – Maritime Authority of Peru	Jr. Constitución No.150, Callao-Peru Tel: +51-1-209-9300 – Extension 6702 Fax: +51-1-2099-300 – Extension 6803 E-mail: <a href="mailto:dicapi@dicapi.mil.pe">dicapi@dicapi.mil.pe</a> or <a href="mailto:dicaestado@dicapi.mil.pe">dicaestado@dicapi.mil.pe</a>

<b>Deadline for submission</b>	<b>Days</b>
From the date of release	
From the date of detention	15
Other	

<b>Language</b>		<b>Submitted by</b>	
English	X	Letter	X
		Fax	X
Other	X	Other;	X

<b>Other relevant information</b>
<p>By Directorial Resolution No. 1467-2012 MGP/DCG, dated 28 December 2012, the General Directorate of Captaincies and Coast Guard – Maritime Authority of Peru, has approved the Procedures for submission of objections to the detention decision or deficiencies found by the Port State Control Officer (PSCO):</p> <ul style="list-style-type: none"> <li>• When inspecting a foreign-flagged ship on a Peruvian port, the Port State Control Officer shall issue the respective inspection form.</li> <li>• If during the inspection deficiencies are found or detention of the ship is determined, and the ship’s master or its representative does not agree with those deficiencies, they may submit the objections to the inspection form.</li> <li>• The ship’s master, its company or representative shall complete the mentioned form, which shall be submitted to the Captaincy of Port of its jurisdiction.</li> <li>• The Captain of the Port, after receiving the objections form, may have 24 to 48 hours to</li> </ul>



resolve whether he approves or not the objections raised by the ship's master or representative. This decision shall be written on the same objections form.

- If it is decided to approve the objections, the ship will be released or its deficiencies shall be annulled, and if it is decided not to approve the objections, the ship shall ask for re-inspection upon prior correction of deficiencies.
- Initiation of this procedure shall not cause the detention to be suspended.

**National appeal procedure – Authority of Philippines**



<b>The appeal shall be made by:</b>	
Owner (IMO Identification number)	X
ISM Operator (IMO Company number)	
Master	
Other: Representative of Owner	X

<b>The appeal shall be made to:</b>	<b>Address:</b>
Philippine Coast Guard	139 25 <sup>th</sup> Street, Port Area, Manila 1018
Attention: Deputy Chief of CG Staff for Maritime Safety Services (CG8)/ Director, Port State Control Central	Philippines
	Tel: +63-2 5278481 Local 6181/6182 Telefax: +632 527-3909;
	Email: <a href="mailto:psccentral@coastguard.gov.ph">psccentral@coastguard.gov.ph</a> <a href="mailto:cg8@coastguard.gov.ph">cg8@coastguard.gov.ph</a>

<b>Deadline for submission</b>	<b>Days</b>
From the date of release	
From the date of detention	
Other	

<b>Language</b>		<b>Submitted by</b>	
English	X	Letter	X
		Fax	X
Other		Other: Email but to be followed by a written letter appeal.	

<p><b>Other relevant information</b></p> <p>Under Memorandum Circular No. 01-00 (PSC) all matters pertaining to PSC inspections including appeals, shall be reviewed and acted upon by the Philippine Coast Guard thru the Deputy Chief of Coast Guard Staff for Maritime Safety Services / Director, Port State Control. Any decisions are approved by the Commandant, Philippine Coast Guard upon the recommendation of the Deputy Chief of Coast Guard Staff for Maritime Safety Services.</p>
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**National appeal procedure – Authority of the Russian Federation**



<b>The appeal shall be made by:</b>	
Owner (IMO Identification number)	X
ISM Operator (IMO Company number)	X
Master	X
Other: Flag, RO	X

<b>The appeal shall be made to:</b>	<b>Address:</b>
1 <sup>st</sup> stage - Harbour Master Port of detention	Regional office
2 <sup>nd</sup> stage - Ministry of Transport of the Russian Federation	Ministry of Transport of the Russian Federation 1, bld. 1 Rozhdestvenka St., Moscow 109012, Russia. Fax: +7 499 495 0000/0559 E-mail: <a href="mailto:rusma@mintrans.ru">rusma@mintrans.ru</a> / <a href="mailto:psc@marinet.ru">psc@marinet.ru</a>

<b>Deadline for submission</b>	<b>Days</b>
From the date of release	
From the date of detention	30
Other	

<b>Language</b>		<b>Submitted by</b>	
English or	X	Letter	X
Russian	X	Fax	X
Other		Other: E-mail	X

<p><b>Other relevant information</b></p> <p>Appeal against port State control actions in Russia should be directed by a ship master or a ship-owner in the first instance to a Harbour Master of the port of the detention (inspection) contact details of whom should be provided by the PSC officer conducted the inspection.</p> <p>Should the party not be satisfied with the outcome of the appeal, a ship Flag State or Class should forward the appeal in writing to the Ministry of Transport of the Russian Federation to a fax +7 499 495 0000 * 0559.</p> <p>The Ministry of Transport will consider the appeal and make final decision on it.</p>
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**National appeal procedure – Authority of Singapore**



<b>The appeal shall be made by:</b>	
Owner (IMO Identification number)	X
ISM Operator (IMO Company number)	X
Master	X
Flag	X

<b>The appeal shall be made to:</b>	<b>Address:</b>
Director of Marine	460 Alexandra Road
Maritime and Port Authority of Singapore	#21-00 PSA Building
	Singapore 119963
	Tel: +65 6375 6213 Fax: +65 6274 7215 E-Mail: <a href="mailto:shipping@mpa.gov.sg">shipping@mpa.gov.sg</a>

<b>Deadline for submission</b>	<b>Days</b>
From the date of release	
From the date of detention	60
Other	

<b>Language</b>		<b>Submitted by</b>	
English	X	Letter	X
		Fax	X
Other		Other	

**Other relevant information**

Ship's master or the representative of it may appeal against the decisions of detention. The procedures for the application are provided by "Administrative Appeal Law" in Singapore. The appeal shall be made within 60 days after the date of detention in writing to the Director of Marine. Pending the outcome of the appeal the ship will remain under detention.

**National appeal procedure – Authority of Thailand**



<b>The appeal shall be made by:</b>	
Owner (IMO Identification number)	X
ISM Operator (IMO Company number)	X
Master	X
Flag State	X

<b>The appeal shall be made to:</b>	<b>Address:</b>
Director of Ship Standard Bureau, Marine Department, Thailand	1278 Yotha Road, Talardnoi, Samphanthawong, Bangkok 10100
	Tel.& Fax. +66-2-2366678
	E-mail: <a href="mailto:psco@md.go.th">psco@md.go.th</a>

<b>Deadline for submission</b>	<b>Days</b>
From the date of release	
From the date of detention	15
Other	

<b>Language</b>		<b>Submitted by</b>	
English	X	Letter	X
Thai	X	Fax	
Other		Other	

<b>Other relevant information</b>

**National appeal procedure – Authority of Vanuatu**



Information not yet provided.

**National appeal procedure – Authority of Vietnam**



<b>The appeal shall be made by:</b>	
Owner (IMO Identification number)	X
ISM Operator (IMO Company number)	
Master	X
Other	

<b>The appeal shall be made to:</b>	<b>Address:</b>
Vietnam Maritime Administration	No. 8 – Pham Hung str, Cau Giay dist, Ha Noi city, Viet Nam
	Tel: +84-4-37683194
	Fax: +84-4-37683641/37683058
	E-mail: <a href="mailto:safetydept@vinamarine.gov.vn">safetydept@vinamarine.gov.vn</a>

<b>Deadline for submission</b>	<b>Days</b>
From the date of release	
From the date of detention	90
Other	

<b>Language</b>		<b>Submitted by</b>	
English	X	Letter	X
		Fax	X
Other		Other: E-mail	

<b>Other relevant information</b>
<p>1. The appeal against the detention order shall be made in writing by the Owner or Master of the concerned vessel within 90 days from the date of detention. It shall be submitted to the Director of the concerned Local Maritime Administration.</p> <p>2. Within 10 days upon receipt of the claim, the Director of the concerned Local Maritime Administration has to notify the claimant of the fact whether or not the claim shall be processed. If not, reasons need clarifying.</p> <p>3. The claim should be settled not later than 30 days or 45 days in case of complication from the date of its receipt.</p> <p>4. In case of dissatisfaction with the settlement of the Director of Local Maritime Administration or no settlement carried out by him, the concerned parties should bring the matter to the General Director of Vietnam Maritime Administration (Fax: +84.4.37683058; email: <a href="mailto:safetydept@vinamarine.gov.vn">safetydept@vinamarine.gov.vn</a>)</p>