

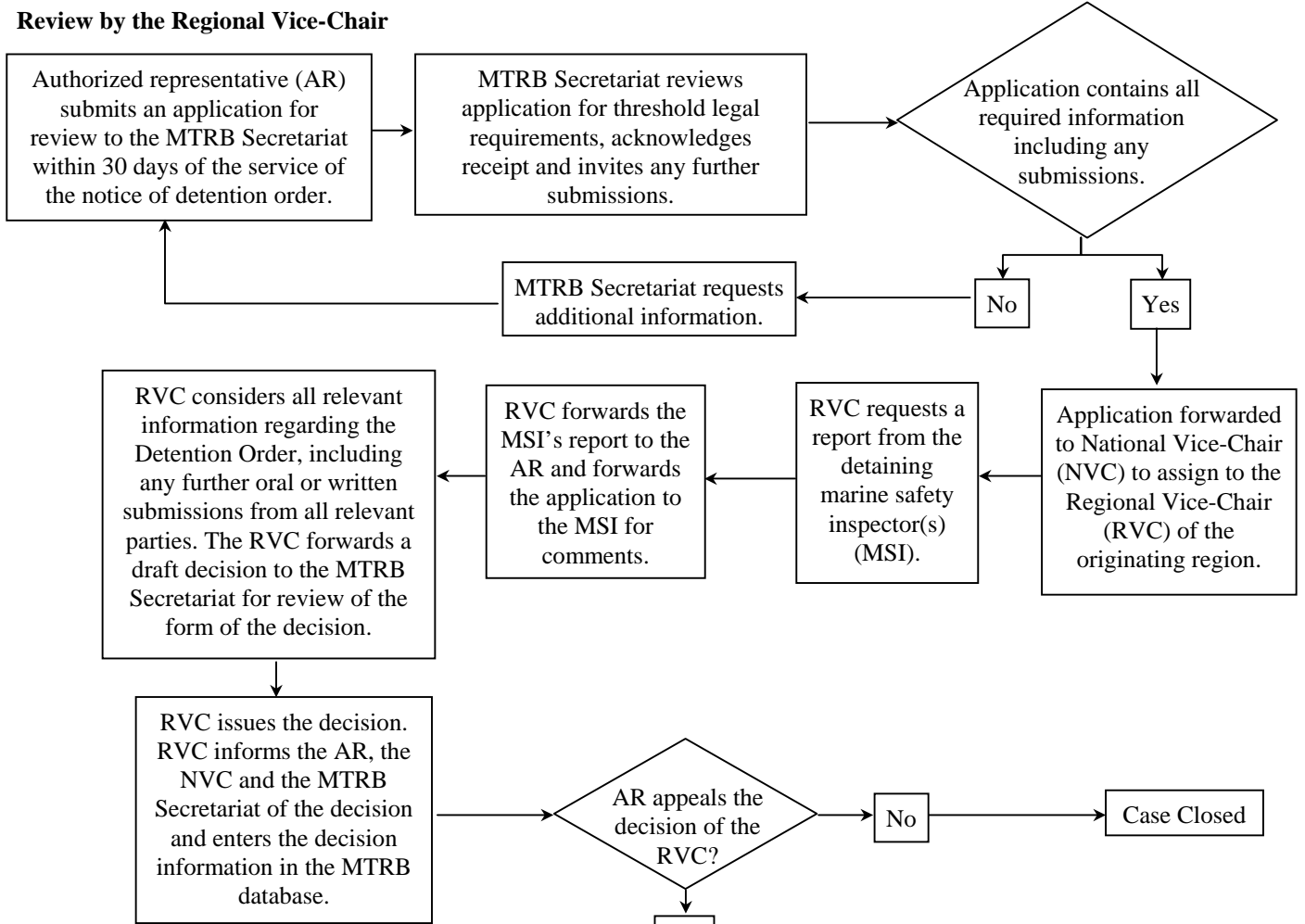
MARINE SAFETY MANAGEMENT SYSTEM

TIER II – PROCEDURE

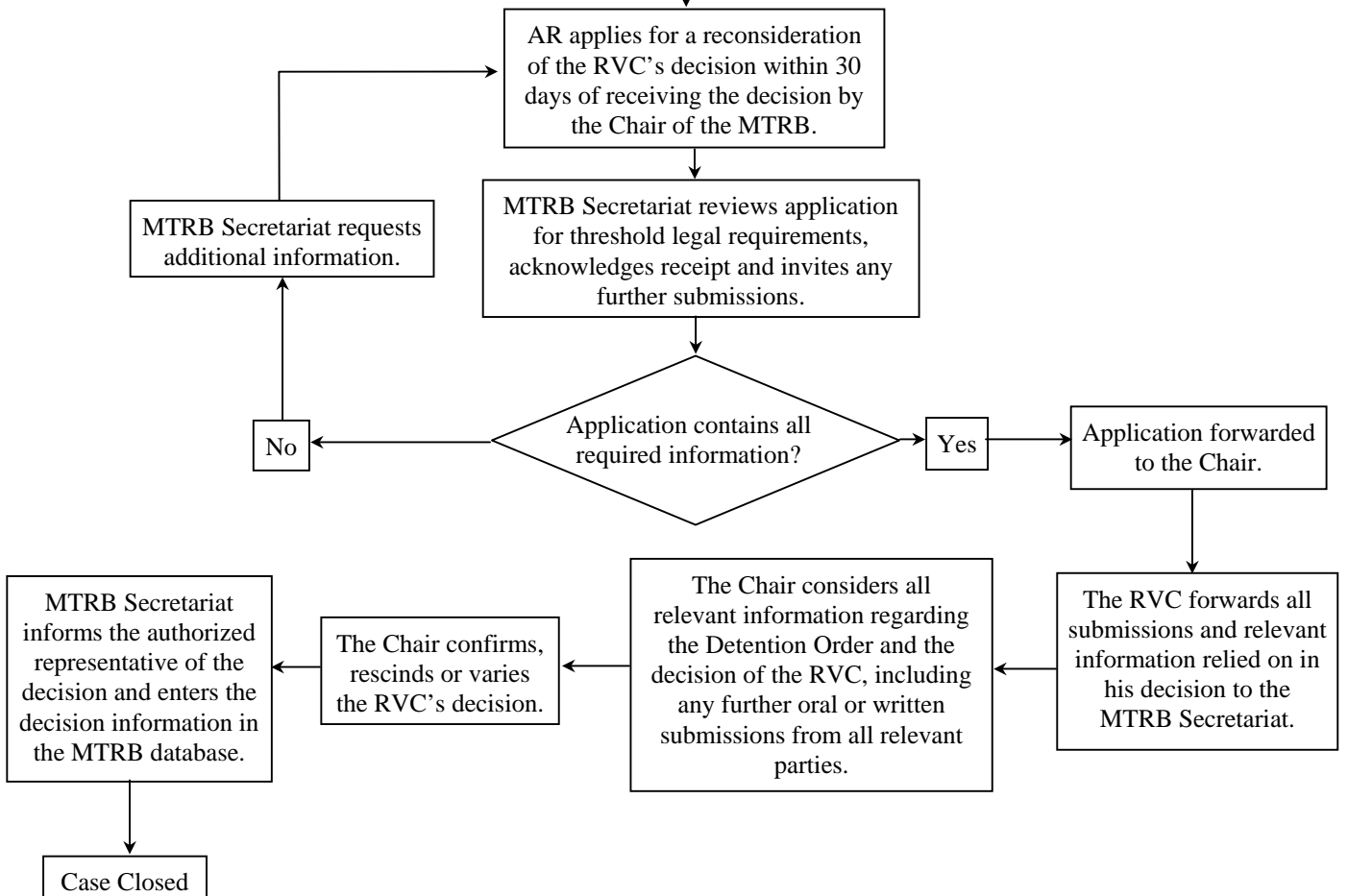
PROCESS FOR THE REVIEW OF DETENTION ORDERS

1 Process Flowchart

Review by the Regional Vice-Chair



Reconsideration by the Chair



2 Purpose

- 2.1 The purpose of this procedure is to set out the process to be followed for the review of detention orders and for reconsideration of reviews of detention orders.

3 Authority

- 3.1 This procedure is established under the general authority of the Chair of the Marine Technical Review Board (MTRB) and pursuant to the *Vessel Detention Orders Review Regulations*.

4 Background

- 4.1 On application, the MTRB must review vessel detention orders by reason of the *Vessel Detention Orders Review Regulations*.
- 4.2 This procedure is established to provide further details on the process for vessel detention order review set out in Tier I – Policy – Review of Detention Orders by the Marine Technical Review Board and in the *Vessel Detention Orders Review Regulations*.

5 Scope

- 5.1 This procedure applies to all applications for a review, or a reconsideration of a review, of a detention order submitted to the MTRB.

6 Responsibility

- 6.1 The Chair of the MTRB is responsible for the development, implementation and maintenance of this procedure.

7 Procedure

7.1 Review by the Regional Vice-Chair

- 7.1.1 The authorized representative of a detained vessel can submit an application for a review of a detention order to the MTRB Secretariat within 30 days of the day on which the notice of detention order was served.
- 7.1.2 The MTRB Secretariat will acknowledge receipt of the application and invite further submissions. The MTRB Secretariat will review the application to ensure that all necessary information is included and threshold legal requirements are met. The MTRB Secretariat will contact the authorized representative if the application is defective.
- 7.1.3 If or when the application is complete and all submissions are received, the MTRB Secretariat will forward the application to the National Vice-Chair. The National Vice-Chair will appoint the Regional Vice-Chair of the region in which the detention order was made to review it.
- 7.1.4 The Regional Vice-Chair will ask the marine safety inspector that detained the vessel to provide a detailed written report regarding the detention and all documents and evidence supporting the detention.
- 7.1.5 The Regional Vice-Chair will forward the report of the inspector and the documents/evidence to the authorized representative for his or her comments. The Regional Vice-Chair will forward the application to the inspector for his or her comments.
- 7.1.6 The Regional Vice-Chair will consider all relevant information regarding the detention order, including the application, the inspector's report and

any other oral or written representations from any relevant party, and will make a decision to confirm, rescind or vary the detention order.

7.1.7 Prior to issuing the decision, the Regional-Vice Chair will forward a draft of the decision to the MTRB Secretariat so that consistency in the form of decisions is maintained.

7.1.8 The Regional Vice-Chair will notify the authorized representative, the National Vice-Chair and the MTRB Secretariat of the decision, and will enter the decision information into the MTRB database.

7.2 Reconsideration by the Chair

7.2.1 Within 30 days of the day on which the authorized representative receives notification of the Regional Vice-Chair's decision, he or she may apply to the MTRB Secretariat for a reconsideration of the decision by the Chair.

7.2.2 The MTRB Secretariat will acknowledge receipt of the application and invite further submissions. The MTRB Secretariat will review the application to ensure that all necessary information is included and threshold legal requirements are met. The MTRB Secretariat will contact the authorized representative if the application is defective.

7.2.3 If or when the application is complete and all submissions are received, the MTRB Secretariat will forward the application to the Chair for his consideration.

7.2.4 The Regional Vice-Chair forwards to the Chair all submissions and information relied on in making his or her decision.

7.2.5 The Chair will consider all relevant information regarding the detention order and the decision of the Regional Vice-Chair, including the submissions made at the first level of review and any other oral or written representations from any relevant party, and will make a decision to confirm, rescind or vary the decision.

7.2.6 The MTRB Secretariat will notify the authorized representative of the Chair's decision, and will also enter the decision information into the MTRB database.

8 Related Documents

8.1 Tier I - Policy – Review of Detention Orders by the Marine Technical Review Board – RDIMS 3943907

9 Date of Application

9.1 This procedure comes into effect on April 14, 2008.

10 Date for Review

10.1 This procedure will be reviewed twelve months after it comes into force.

11 RDIMS Reference

11.1 The English version of this document is saved in RDIMS under reference number 3984038. The applied naming convention is PUBLICATION – TP 13585 – PROCEDURE - PROCESS FOR THE REVIEW OF DETENTION ORDERS.

11.2 La version française du présent document est dans le SGDDI et porte le numéro de référence 3996559. La règle d'affectation des noms est PUBLICATION – TP 13585 – PROCÉDURE - PROCESSUS D'EXAMEN DES ORDONNANCES DE DÉTENTION.

11.3 This is the first approved and finalized revision of the English version of this document.

12 Keywords

- Marine Technical Review Board
- Detention Orders
- Review of Detention Orders