

**TEMPLATE FOR SUBMISSION OF TEXTUAL PROPOSALS DURING THE 27TH SESSION:
COUNCIL - PART II**

Informal Working Group – Inspection, Compliance and Enforcement

Please fill out one form for each textual proposal which your delegation(s) wish(es) to amend, add or delete and send to council2022@isa.org.jm.

1. Name(s) of Delegation(s) making the proposal:

UK

2. Please indicate the relevant provision to which the textual proposal refers.

Regulation 98

3. Kindly provide the proposed amendments to the regulation or standard or guideline in the text box below, using the “track changes” function in Microsoft Word. Please only reproduce the parts of the text that are being amended or deleted.

Inspectors’ powers

~~1.bis Inspectors shall:~~

~~(a) follow all reasonable instructions and directions pertaining to the safety of life at sea given to them by the Contractor or the captain; and~~

~~(b) to the maximum extent possible, refrain from any undue interference with the safe and normal operations of the Contractor and of vessels and Installations, unless the Inspectors have reasonable grounds for believing that the Contractor is operating in breach of its obligations under an exploitation contract.~~

1. An Inspector may, for the purposes of monitoring or enforcing compliance with the Rules of the Authority and the terms of the exploitation contract:

(a) Question any person engaged by the Contractor in the conduct of Exploitation activities on any matter to which the Rules of the Authority relate;

(b) Require any person who has control over, or custody of, any relevant document, whether in electronic form or in hard copy, including a plan, book or record, to produce that document to the Inspector immediately or at any other time and place that the Inspector requires;

~~(b).bis Inspect any relevant documents or items which are necessary to monitor the Contractor’s compliance, all other recorded data and samples and any vessel or Installation used in connection with activities in the Area including its log, personnel, equipment, records and facilities~~

- (c) Require from any person referred to in subparagraph (b) above an explanation of any entry or non-entry in any document over which that person has custody or control;
- (d) Examine any document produced under subparagraph (b) and make a copy of it or take an extract from it;
- (e) Inspect or test any machinery or equipment under the supervision of the Contractor or its agents or employees that, in the Inspector's opinion, is being or is intended to be used for the purposes of the Exploitation activities, unless such inspection or testing will unreasonably interfere with the Contractor's operations **in the Area**;
- [(f) Seize any document, article, substance or any part or sample of such for examination or analysis that the Inspector may reasonably require;]
- [(g) Remove any representative samples or copies of assays of such samples from any vessel or equipment used for or in connection with the Exploitation activities;]
- [(h) Require the Contractor to carry out such procedures in respect of any equipment used for or in connection with the Exploitation activities as may be deemed necessary by the Inspector, unless such procedures will unreasonably interfere with the Contractor's operations and]
- (i) Upon written authorization from the Council, perform any other prescribed function of the Authority **as its representative**;

[3. Before an Inspector may seize any document under paragraph 1 (f) above, the Contractor may copy it.]

[4. When an Inspector seizes or removes any item under this regulation, the Inspector shall issue a receipt for that item to the Contractor.]

4. Please indicate the rationale for the proposal. [150 word limit]

Click or tap here to enter text.

Para 1 bis – The UK regards that this is in the wrong place as already addressed in Regulation 97.

Para 1 f-h – The UK supports re-inclusion of this text as an important factor in enabling the Inspectorate to do its work.

Para 1 (i) – The UK supports the re-inclusion of the deletion (“as its representative”). If an Inspector is mandated by the Council to perform a prescribed function on the Authority that must be as the representative of the Authority – the Authority cannot delegate its functions to an independent person as its functions are set out in the Convention.

Paras 3 and 4 – The UK supports the re-inclusion of these texts.