



# Merchant Shipping Act 1995

## 1995 CHAPTER 21

### PART IV

#### SAFETY

##### *Control of, and returns as to, persons on ships*

#### **101 Offences in connection with passenger ships**

- (1) A person commits an offence if, in relation to a ship to which this section applies, he does any of the following things, that is to say—
- (a) if, being drunk or disorderly, he has been on that account refused admission to the ship by the owner or any person in his employment, and, after having the amount of his fare (if he has paid it) returned or tendered to him, nevertheless persists in attempting to enter the ship;
  - (b) if, being drunk or disorderly on board the ship, he is requested by the owner or any person in his employment to leave the ship at any place in the United Kingdom at which he can conveniently do so, and, after having the amount of his fare (if he has paid it) returned or tendered to him, does not comply with the request;
  - (c) if, on board the ship, after warning by the master or other officer thereof, he molests or continues to molest any passenger;
  - (d) if, after having been refused admission to the ship by the owner or any person in his employment on account of the ship being full, and having had the amount of his fare (if he has paid it) returned or tendered to him, he nevertheless persists in attempting to enter the ship;
  - (e) if, having gone on board the ship at any place, and being requested, on account of the ship being full, by the owner or any person in his employment to leave the ship before it has left that place, and having had the amount of his fare (if he has paid it) returned or tendered to him, he does not comply with that request;
  - (f) if, on arriving in the ship at a point to which he has paid his fare, he knowingly and intentionally refuses or neglects to leave the ship; and

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- (g) if, on board the ship he fails, when requested by the master or other officer thereof, either to pay his fare or show such ticket or other receipt, if any, showing the payment of his fare, as is usually given to persons travelling by and paying their fare for the ship;
- but his liability in respect of any such offence shall not prejudice the recovery of any fare payable by him.
- (2) A person commits an offence if, on board any ship to which this section applies he intentionally does or causes to be done anything in such a manner as to—
- (a) obstruct or damage any part of the machinery or equipment of the ship, or
- (b) obstruct, impede or molest the crew, or any of them, in the navigation or management of the ship, or otherwise in the execution of their duty on or about the ship.
- (3) The master or other officer of any ship to which this section applies, and all persons called by him to his assistance, may, without any warrant, detain any person who commits any offence against subsection (1) or (2) above and whose name and address are unknown to the master or officer, and deliver that person to a constable.
- (4) A person guilty of an offence against subsection (1) or (2) above shall be liable, on summary conviction, to a fine not exceeding level 2 on the standard scale.
- (5) If any person commits an offence against subsection (1) or (2) above and on the application of the master of the ship, or any other person in the employment of the owner thereof, refuses to give his name and address, or gives a false name or address, that person shall be liable, on summary conviction, to a fine not exceeding level 2 on the standard scale.
- (6) This section applies to a ship for which there is in force a Passenger Ship Safety Certificate or Passenger Certificate, as the case may be, issued under or recognised by safety regulations.

## **102 Power to exclude drunken passengers from certain passenger ships**

- (1) The master of any ship to which this section applies may refuse to receive on board any person who by reason of drunkenness or otherwise is in such a state, or misconducts himself in such a manner, as to cause annoyance or injury to passengers on board, and if any such person is on board, may put him on shore at any convenient place.
- (2) A person so refused admittance or put on shore shall not be entitled to the return of any fare he has paid.
- (3) This section applies to a ship (whether or not a United Kingdom ship) carrying more than 12 passengers and employed in carrying passengers between places in the limited European trading area as for the time being defined in regulations made under section 47 by the Secretary of State.

## **103 Stowaways**

- (1) If a person, without the consent of the master or of any other person authorised to give it, goes to sea or attempts to go to sea in a United Kingdom ship, he shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

- (2) Nothing in section 281 shall be taken to limit the jurisdiction of any court in the United Kingdom to deal with an offence under this section which has been committed in a country outside the United Kingdom by a person who is not a British citizen.

#### **104 Unauthorised presence on board ship**

Where a United Kingdom ship or a ship registered in any other country is in a port in the United Kingdom and a person who is neither in Her Majesty's service nor authorised by law to do so—

- (a) goes on board the ship without the consent of the master or of any other persons authorised to give it; or
- (b) remains on board the ship after being requested to leave by the master, a constable, an officer authorised by the Secretary of State or an officer of customs and excise,

he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

#### **105 Master's power of arrest**

The master of any United Kingdom ship may cause any person on board the ship to be put under restraint if and for so long as it appears to him necessary or expedient in the interest of safety or for the preservation of good order or discipline on board the ship.

#### **106 Unauthorised persons: offences relating to safety**

- (1) Where a person goes to sea in a ship without the consent of the master or of any other person authorised to give it or is conveyed in a ship in pursuance of section 73(5)(b), sections 58 and 59 shall apply as if he were a seaman employed in the ship.
- (2) Subsection (1) above shall, in its application to section 58 so far as that section applies to ships which are not sea-going ships have effect—
  - (a) with the omission of the words “goes to sea in a ship”; and
  - (b) with the insertion, after the words “to give it”, of the words “is on board a ship while it is on a voyage or excursion”.
- (3) This section does not apply to fishing vessels.

#### **107 Return to be furnished by masters of ships as to passengers**

- (1) The master of every ship, whether or not a United Kingdom ship, which carries any passenger to a place in the United Kingdom from any place out of the United Kingdom, or from any place in the United Kingdom to any place out of the United Kingdom, shall furnish to such person and in such manner as the Secretary of State directs a return giving the total number of any passengers so carried, distinguishing, if so directed by the Secretary of State, the total number of any class of passengers so carried, and giving, if the Secretary of State so directs, such particulars with respect to passengers as may be for the time being required by the Secretary of State.
- (2) Any passenger shall furnish the master of the ship with any information required by him for the purpose of the return.
- (3) If—

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- (a) the master of a ship fails to make a return as required by this section, or makes a false return,
- (b) any passenger refuses to give any information required by the master of the ship for the purpose of the return required by this section, or, for that purpose, gives to the master information which he knows to be false or recklessly gives to him information which is false,

the master or (as the case may be) passenger shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale in the case of a failure or refusal and level 3 on the standard scale in the case of a false return or false information.

## **108 Returns of births and deaths in ships, etc**

- (1) The Secretary of State may make regulations under the following provisions of this section in relation to births and deaths in the circumstances specified in those provisions.
- (2) Regulations under this section may require the master of any United Kingdom ship to make a return to a superintendent or proper officer of—
  - (a) the birth or death of any person occurring in the ship; and
  - (b) the death of any person employed in the ship, wherever occurring outside the United Kingdom;
 and to notify any such death to such person (if any) as the deceased may have named to him as his next of kin.
- (3) Regulations under this section may require the master of any ship not registered in the United Kingdom which calls at a port in the United Kingdom in the course of or at the end of a voyage to make a return to a superintendent of any birth or death of a British citizen, a British Dependent Territories citizen or a British Overseas citizen which has occurred in the ship during the voyage.
- (4) The returns referred to in subsections (2) and (3) above shall be for transmission to the Registrar General of Shipping and Seamen.
- (5) Regulations under this section may require the Registrar General of Shipping and Seamen to record such information as may be specified in the regulations about such a death as is referred to in subsection (2) above in a case where—
  - (a) it appears to him that the master of the ship cannot perform his duty under that subsection because he has himself died or is incapacitated or missing; and
  - (b) any of the circumstances specified in subsection (6) below exist.
- (6) Those circumstances are that—
  - (a) the death in question has been the subject of—
    - (i) an inquest held by a coroner,
    - (ii) an inquiry held in pursuance of section 271, or
    - (iii) an inquiry held in pursuance of the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976;
 and the findings of the inquest or inquiry include a finding that the death occurred;
  - (b) the deceased's body has been the subject of—
    - (i) a post-mortem examination in England and Wales, or
    - (ii) a preliminary investigation in Northern Ireland;

- and in consequence the coroner is satisfied that an inquest is unnecessary; or
- (c) in Scotland, it does not appear to the Lord Advocate, under section 1(1)(b) of the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976, to be expedient in the public interest that an inquiry under that Act should be held.
- (7) Regulations under this section may require the Registrar General of Shipping and Seamen to send a certified copy of any return or record made thereunder to the Registrar General for England and Wales, the Registrar General of Births, Deaths and Marriages for Scotland or the Registrar General for Northern Ireland, as the case may require.
- (8) The Registrar General to whom any such certified copies are sent—
- (a) shall record the information contained therein in the marine register; and
- (b) may record in the marine register such additional information as appears to him desirable for the purpose of ensuring the completeness and correctness of the register;
- and the enactments relating to the registration of births and deaths in England, Scotland and Northern Ireland shall have effect as if the marine register were a register of births (other than stillbirths) or deaths or certified copies of entries in such a register had been transmitted to the Registrar General in accordance with those enactments.
- (9) Regulations under this section may make a contravention of any provision thereof an offence punishable on summary conviction with a fine not exceeding level 2 on the standard scale or not exceeding a lesser amount.
- (10) Regulations under this section may contain provisions authorising the registration of the following births and deaths occurring outside the United Kingdom in circumstances where no return is required to be made under the preceding provisions of this section—
- (a) any birth or death of a British citizen, a British Dependent Territories citizen or a British Overseas citizen which occurs in a ship not registered in the United Kingdom;
- (b) any death of any such citizen who has been employed in a ship not registered in the United Kingdom which occurs elsewhere than in the ship; and
- (c) any death of a person who has been employed in a United Kingdom ship which occurs elsewhere than in the ship.
- (11) References in this section to deaths occurring in a ship include references to deaths occurring in a ship's boat.