



# Merchant Shipping Act 1995

## 1995 CHAPTER 21

### PART XI

#### ACCIDENT INVESTIGATIONS AND INQUIRIES

##### *Inquiries into and reports on deaths and injuries*

#### **271 Inquiries into deaths of crew members and others**

- (1) Subject to subsection (6) below, where—
- (a) any person dies in a United Kingdom ship or in a boat or life-raft from such a ship, or
  - (b) the master of or a seaman employed in such a ship dies in a country outside the United Kingdom,
- an inquiry into the cause of the death shall be held by a superintendent or proper officer at the next port where the ship calls after the death and where there is a superintendent or proper officer, or at such other place as the Secretary of State may direct.
- (2) Subject to subsection (6) below, where it appears to the Secretary of State that—
- (a) in consequence of an injury sustained or a disease contracted by a person when he was the master of or a seaman employed in a United Kingdom ship, he ceased to be employed in the ship and subsequently died, and
  - (b) the death occurred in a country outside the United Kingdom during the period of one year beginning with the day on which he so ceased,
- the Secretary of State may arrange for an inquiry into the cause of the death to be held by a superintendent or proper officer.
- (3) Subject to subsection (6) below, where it appears to the Secretary of State that a person may—
- (a) have died in a United Kingdom ship or in a boat or life-raft from such a ship, or
  - (b) have been lost from such a ship, boat or life-raft and have died in consequence of being so lost,

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*Status: This is the original version (as it was originally enacted).*

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the Secretary of State may arrange for an inquiry to be held by a superintendent or proper officer into whether the person died as mentioned above and, if the superintendent or officer finds that he did, into the cause of the death.

- (4) The superintendent or proper officer holding the inquiry shall for the purpose of the inquiry have the powers conferred on an inspector by section 259.
- (5) The person holding the inquiry shall make a report of his findings to the Secretary of State who shall make the report available—
  - (a) if the person to whom the report relates was employed in the ship and a person was named as his next of kin in the crew agreement or list of the crew in which the name of the person to whom the report relates last appeared, to the person so named;
  - (b) in any case, to any person requesting it who appears to the Secretary of State to be interested.
- (6) No inquiry shall be held under this section where, in England, Wales or Northern Ireland, a coroner's inquest is to be held or, in Scotland, an inquiry is to be held under the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976.

## **272 Reports of and inquiries into injuries**

- (1) Where the master or a member of the crew of a United Kingdom fishing vessel is injured during a voyage, an inquiry into the cause and nature of the injury may be held by a superintendent or proper officer.
- (2) The superintendent or proper officer holding an inquiry under this section shall, for the purposes of the inquiry, have the powers conferred on a Departmental inspector by section 259 and shall make a report of his findings to the Secretary of State.

## **273 Transmission of particulars of certain deaths on ships**

Where—

- (a) an inquest is held into a death or a post mortem examination, or a preliminary investigation in Northern Ireland, is made of a dead body as a result of which the coroner is satisfied that an inquest is unnecessary; and
- (b) it appears to the coroner that the death in question is such as is mentioned in section 108(2) or in that subsection as extended (with or without amendments) by virtue of section 307,

it shall be the duty of the coroner to send to the Registrar General of Shipping and Seamen particulars in respect of the deceased of a kind prescribed by regulations made by the Secretary of State.