
STATUTORY INSTRUMENTS

2016 No. 1025

The Merchant Shipping (Marine Equipment) Regulations 2016

PART 6

Enforcement

Powers to detain

27.—(1) A ship is liable to be detained where a surveyor of ships is satisfied that there is or has been a failure—

- (a) to comply with regulation 5(1); or
- (b) by the owner of a ship to comply with a direction issued under regulation 10(2).

(2) Section 284(1) to (6) and (8) of the Act (enforcing detention of ship)^{M1} applies to a ship which is liable to be detained under this regulation as if references to detention of a ship under the Act were references to detention of the ship in question under this regulation.

(3) Where a ship is liable to be detained under this regulation the person detaining the ship must serve on the master of the ship a detention notice which—

- (a) states that a surveyor of ships is of the opinion that, in relation to that ship, there is a failure to comply with the requirements of regulation 5(1) or a direction issued under regulation 10(2);
- (b) details the reasons that the surveyor is of the opinion those requirements of regulation 5(1) or a direction issued under regulation 10(2) are not met; and
- (c) requires the terms of the notice to be complied with until the ship is released.

(4) Sections 96 and 97 of the Act (which relate to arbitration and compensation in connection with detention of a ship) apply in relation to a detention notice under this regulation as those sections apply to a detention notice under section 95 of the Act with the following modifications—

- (a) the arbitrator must have regard in coming to a decision to any other matters not specified in the detention notice which appear to be relevant to whether or not the ship was liable to be detained under paragraph (1); and
- (b) the arbitrator must state in the decision whether or not there was a valid basis for detention of the ship.

Marginal Citations

- M1** Section 284 was amended by the [Merchant Shipping and Maritime Security Act 1997 \(c.28\)](#), [Schedule 1](#), paragraph 5.

Changes to legislation:

There are currently no known outstanding effects for the The Merchant Shipping (Marine Equipment) Regulations 2016, Section 27.