



Merchant Shipping Act 1995

1995 CHAPTER 21

PART XII

LEGAL PROCEEDINGS

Detention of ship and distress on ship

284 Enforcing detention of ship.

- (1) Where under this Act a ship is to be or may be detained any of the following officers may detain the ship—
- (a) any commissioned naval or military officer,
 - ^[F1](b) any officer of a Minister of the Crown or Northern Ireland department who is authorised by the Secretary of State, either generally or in a particular case, to exercise powers under this section,
 - (c) any officer of customs and excise, and
 - (d) any British consular officer.

^[F2](1A) A notice of detention may—

- (a) include a direction that the ship—
 - (i) must remain in a particular place, or
 - (ii) must be moved to a particular anchorage or berth, and
- (b) if it includes such a direction, may specify circumstances relating to safety or the prevention of pollution in which the master may move his ship from that place, anchorage or berth.]

^[F3](2) If a ship as respects which notice of detention has been served on the master proceeds to sea, otherwise than in accordance with such a notice, before it is released by a competent authority, the master of the ship shall be guilty of an offence.

^{F3}(2A) If a ship as respects which notice of detention has been served on the master fails to comply with a direction given under subsection (1A)(a) above, the master of the ship shall be guilty of an offence.

Status: Point in time view as at 23/03/1997.

Changes to legislation: Merchant Shipping Act 1995, Cross Heading: Detention of ship and distress on ship is up to date with all changes known to be in force on or before 21 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- ^{F3}(2B) A person guilty of an offence under subsection (2) or (2A) above shall be liable—
- (a) on summary conviction, to a fine not exceeding £50,000;
 - (b) on conviction on indictment, to a fine.]
- (3) The owner of a ship, and any person who sends to sea a ship, as respects which an offence is committed under subsection (2) [^{F4}or (2A)] above shall, if party or privy to the offence, also be guilty of an offence under that subsection and liable accordingly.
- (4) Where a ship proceeding to sea in contravention of subsection (2) above [^{F5}or failing to comply with a direction given under subsection (1A)(a) above][^{F6}carries away without his consent] any of the following who is on board the ship in the execution of his duty, namely—
- (a) any officer authorised by subsection (1) above to detain the ship, or
 - (b) any surveyor of ships,
- the owner and master of the ship shall each—
- (i) be liable to pay all expenses of and incidental to the officer or surveyor being so [^{F7}carried away]; and
 - (ii) be guilty of an offence.
- (5) A person guilty of an offence under subsection (4) above shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine.
- (6) Where under this Act a ship is to be detained an officer of customs and excise shall, and where under this Act a ship may be detained an officer of customs and excise may, refuse to clear the ship outwards or grant a transire to the ship.
- (7) When any provision of this Act provides that a ship may be detained until any document is produced to the proper officer of customs and excise the officer able to grant a clearance or transire of the ship is (unless the context otherwise requires) that officer.
- (8) Any reference in this section to proceeding to sea includes a reference to going on a voyage or excursion that does not involve going to sea, and references to sending or taking to sea shall be construed accordingly.

Textual Amendments

F1 S. 284(1)(b) substituted (23.3.1997) by 1997 c. 28, s. 9, **Sch. 1 para. 5(2)**; S.I. 1997/1082, art. 2, **Sch.**

F2 S. 284(1A) inserted (23.3.1997) by 1997 c. 28, s. 9, **Sch. 1 para. 5(3)**; S.I. 1997/1082, art. 2, **Sch.**

F3 S. 284(2)-(2B) substituted for s. 284(2) (23.3.1997) by 1997 c. 28, s. 9, **Sch. 1 para. 5(4)**; S.I. 1997/1082, **art. 2 Sch.**

F4 Words in s. 284(3) inserted (23.3.1997) by 1997 c. 28, s. 9, **Sch. 1 para. 5(5)**; S.I. 1997/1082, art. 2, **Sch.**

F5 Words in s. 284(4) inserted (23.3.1997) by 1997 c. 28, s. 9, **Sch. 1 para. 5(6)(a)**; S.I. 1997/1082, art. 2, **Sch. 1**

F6 Words in s. 284(4) substituted (23.3.1997) by 1997 c. 28, s. 9, **Sch. 1 para. 5(6)(b)**; S.I. 1997/1082, art. 2, **Sch. 1**

F7 Words in s. 284(4)(i) substituted (23.3.1997) by 1997 c. 28, s. 9, **Sch. 1 para. 5(6)(c)**; S.I. 1997/1082, art. 2, **Sch. 1**

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Modifications etc. (not altering text)

- C1** S. 284 applied (with modifications) (1.1.1997) by S.I. 1996/3010, **reg. 15(3)(b)**
S. 284 applied (with modifications) (27.3.1997) by S.I. 1997/529, **reg. 8**
S. 284 applied (with modifications) (20.6.1997) by S.I. 1997/1320, **reg. 16(1)**
S. 284 extended (with modifications) to Jersey (1.12.1997) by S.I. 1997/2598, arts. 2, 3, **Sch. 1**
S. 284 applied (with modifications) (6.4.1998) by S.I. 1998/209, **reg. 9**
S. 284 extended (with modifications) to Guernsey (11.3.1998) by S.I. 1998/260, arts. 2, 3, **Sch. 1**
S. 284 applied (with modifications) (11.5.1998) by S.I. 1998/1012, **reg. 106**
S. 284 applied (with modifications) (1.7.1998) by S.I. 1998/1419, **reg. 9**
S. 284 applied (with modifications) (12.11.1998) by S.I. 1998/2514, **reg. 92**
S. 284 applied (with modifications) (12.11.1998) by S.I. 1998/2515, **reg. 74**
S. 284 applied (with modifications) (1.12.1998) by S.I. 1998/2647, **reg. 8**
S. 284 applied (with modifications) (16.12.1998) by S.I. 1998/2771, **reg. 9**
S. 284 applied (with modifications) (10.2.1999) by S.I. 1999/17, **reg. 9**
S. 284 applied (with modifications) (1.7.1999) by S.I. 1999/1644, **art. 17**
S. 284 applied (with modifications) (5.8.1999) by S.I. 1999/1957, **reg. 25**
S. 284 applied (with modifications) (5.8.1999) by S.I. 1999/2998, **reg. 18(2)**
S. 284 applied (with modifications) (1.1.2000) by S.I. 1999/3210, **reg. 27(1)**
S. 284 applied (with modifications) (1.4.2001) by S.I. 2001/9, **reg. 9**
S. 284 applied (with modifications) (15.2.2002) by S.I. 2001/3444, **reg. 12**
S. 284 applied (with modifications) (1.11.2001) by S.I. 2001/3209, **reg. 9(7)**
S. 284 applied (with modifications) (23.11.2002) by S.I. 2002/2201, **reg. 11**
S. 284 applied (with modifications) (1.9.2002) by S.I. 2002/2055, **reg. 15**
- C2** S. 284(1)-(6)(8) modified (23.10.2000) by S.I. 2000/2687, **reg. 10**
- C3** S. 284(1)-(3)(8) applied (with modifications) (29.10.1999) by S.I. 1999/2205, **reg. 16**
- C4** S. 284(1)-(5)(8) applied (with modifications) (31.12.1998) by S.I. 1998/2857, **reg. 12**
S. 284(1)-(5)(8) applied (with modifications) (31.3.1998) by S.I. 1997/2962, **reg. 29**
S. 284(1)-(5)(8) applied (with modifications) (25.10.1999) by S.I. 1999/2205, **reg. 16**
S. 284(1)-(5)(8) applied (with modifications) (7.9.2002) by S.I. 2002/2125, **reg. 17**
- C5** S. 284(1)-(6)(8) applied (with modifications) (1.4.1997) by S.I. 1997/647, **reg. 12**
S. 284(1)-(6)(8) applied (with modifications) (3.8.1998) by S.I. 1998/1609, **reg. 10**

285 Sums ordered to be paid leviable by distress on the ship.

- (1) Where any court has power to make an order directing payment to be made of any seaman's wages, fines or other sums of money, then, if the person directed to pay is the master or owner of the ship and the money directed to be paid is not paid in accordance with the order, the court who made the order may—
- except in Scotland, direct the amount remaining unpaid to be levied by distress,
 - in Scotland, grant warrant authorising the arrestment and sale, of the ship and its equipment.
- (2) The remedy made available by this section is in addition to any other powers for compelling the payment of money ordered to be paid.

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