

SCHEDULES

SCHEDULE 1

AMENDMENTS OF MERCHANT SHIPPING ACT 1995 RELATING TO INSPECTION AND DETENTION OF SHIPS

Enforcing detention of ships

- 5 (1) Section 284 of the 1995 Act (enforcing detention of ship) is amended as follows.
- (2) In subsection (1), for paragraph (b) there is substituted—
- “(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.”.
- (3) After subsection (1) there is inserted—
- “(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.”
- (4) For subsection (2) there is substituted—
- “(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.
- (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.
- (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.”
- (5) In subsection (3), after “subsection (2)” there is inserted “ or (2A) ”.
- (6) In subsection (4)—
- (a) after “subsection (2) above” there is inserted “ or failing to comply with a direction given under subsection (1A)(a) above ”,

Changes to legislation: *There are currently no known outstanding effects for the Merchant Shipping and Maritime Security Act 1997, Cross Heading: Enforcing detention of ships. (See end of Document for details)*

- (b) for “takes to sea” there is substituted “ carries away without his consent ”,
and
 - (c) in paragraph (i), for “taken to sea” there is substituted “ carried away ”.
- (7) Any reference to section 284 of the 1995 Act, or to provisions of that section—
- (a) in any safety regulations within the meaning of the 1995 Act made before commencement,
 - (b) in any Order in Council having effect under section 128 or 129 of the 1995 Act and made before commencement, or
 - (c) in any regulations having effect under such an Order and made before commencement,
- shall have effect as a reference to section 284, or those provisions, as amended by this paragraph.
- (8) In sub-paragraph (7) above “commencement” means the commencement of this paragraph.

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