
STATUTORY INSTRUMENTS

2018 No. 58

The Merchant Shipping (Maritime Labour Convention) (Hours of Work) Regulations 2018

Release of ships detained under regulation 21

22.—(1) Where a ship is detained under regulation 21(1), a person who had power to detain the ship must, at the request of the shipowner or master, immediately release the ship if—

- (a) the person no longer has grounds for believing that regulation 21(1)(a) or (b) applies; and
- (b) relevant circumstances have arisen.

(2) For the purposes of paragraph (1), relevant circumstances have arisen if—

- (a) no proceedings for an offence under regulation 25 of these Regulations are instituted within the period of seven days beginning on the day on which the ship is detained;
- (b) proceedings for such an offence are instituted within that period and are concluded without the shipowner or master being convicted;
- (c) the shipowner or master—
 - (i) is convicted of such an offence, and
 - (ii) has paid any fines, costs and expenses arising out of the conviction;
- (d) the sum of £30,000 is paid to the Secretary of State by or on behalf of the shipowner or master;
- (e) other security which, in the opinion of the Secretary of State, is satisfactory and is of a value not less than £30,000 is given to the Secretary of State; or
- (f) the release of the ship is ordered by a court or tribunal referred to in article 292 of the United Nations Convention on the Law of the Sea ^{M1} and any bond or other financial security ordered by such a court or tribunal is posted.

(3) The Secretary of State must repay any sum paid under paragraph (2)(d) or release any security given under paragraph (2)(e) if—

- (a) no proceedings for an offence under these Regulations are instituted within the period of seven days beginning with the day on which the sum is paid; or
- (b) proceedings for such an offence are instituted within that period and are concluded without the shipowner or master being convicted.

(4) Where the shipowner or master is convicted of an offence under these Regulations, any sum paid to the Secretary of State by any person under paragraph (2)(d) must be applied as follows—

- (a) first in payment of any costs or expenses ordered by the court to be paid by the shipowner or master; and
- (b) next in payment of any fine imposed by the court,

and any balance must be repaid to the person who paid the sum.

(5) Section 145 of the Merchant Shipping Act 1995, (interpretation of references in section 144 to the institution or conclusion of proceedings) ^{M2} applies for the interpretation of references in

paragraphs (2) to (4) as it does for the interpretation of references in section 144 of that Act (detention of ships for certain offences).

- (6) In its application by virtue of paragraph (5), section 145 has effect as if—
- (a) references to the owner of a ship were references to a shipowner under these Regulations; and
 - (b) references to an offence under section 131 of that Act were references to an offence under regulation 25 of these Regulations.

Marginal Citations

M1 Cm. 8941.

M2 Section 145 was amended by the Criminal Justice Act 2003 (c.44), **Schedule 36**, and the Criminal Justice and Courts Act 2015 (c.2), **Schedule 11**.

Changes to legislation:

There are currently no known outstanding effects for the The Merchant Shipping (Maritime Labour Convention) (Hours of Work) Regulations 2018, Section 22.