
STATUTORY INSTRUMENTS

2022 No. 96

**The Merchant Shipping and Fishing Vessels
(Entry into Enclosed Spaces) Regulations 2022**

Detention

12.—(1) Any ship which does not comply with the requirements of these Regulations may be detained.

(2) Section 284 (enforcing detention of ship)(1) of the Act applies where a ship is liable to be detained under this regulation as if—

- (a) references to the owner of a ship were to the shipowner under these Regulations;
- (b) references to detention of a ship under the Act were references to detention of the ship in question under this regulation; and
- (c) subsection (7) were omitted.

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

- (a) states the grounds of the detention; and
- (b) requires the terms of the notice to be complied with until the ship is released by any person mentioned in section 284(1) of the Act.

(4) Subject to paragraph (5), section 96 (references of detention notices to arbitration)(2) and section 97 (compensation in connection with invalid detention of a ship) of the Act apply in relation to a detention notice issued pursuant to this regulation as they apply in relation to detention notices issued pursuant to section 95 (power to detain dangerously unsafe ship).

(5) For the purposes of paragraph (4)—

- (a) section 96 of the Act applies as if—
 - (i) subsection (3) were omitted;
 - (ii) the words “as a dangerously unsafe ship” in subsection (5) were omitted;
 - (iii) subsection (11) were omitted; and
- (b) sections 96 and 97 of the Act apply as if “the relevant inspector” means a person issuing the detention notice pursuant to this regulation.

(6) Subject to paragraph (7), where a ship other than a United Kingdom ship is detained, the Secretary of State must immediately inform the ship’s flag administration in writing.

(7) If it is not possible to inform the ship’s flag administration in accordance with paragraph (6), the Secretary of State must inform the Consul of the State of the flag administration, or in the absence of a Consul, the nearest diplomatic representative of the State of the flag administration.

(1) Section 284 was amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), section 9 and Schedule 1, and S.I. 2015/664.

(2) Section 96(7) was amended by the Tribunals, Courts and Enforcement Act 2007 (c. 15), Schedule 10, Part 1 and by the Constitutional Reform Act 2005 (c. 4), Schedule 11. Section 96(10) was repealed by the Arbitration Act 1996 (c. 23), Schedule 4.

Changes to legislation: There are currently no known outstanding effects for the The Merchant Shipping and Fishing Vessels (Entry into Enclosed Spaces) Regulations 2022, Section 12. (See end of Document for details)

(8) For the purposes of paragraphs (6) and (7), “flag administration” in relation to a ship means the administration of the State whose flag the ship is entitled to fly.

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Commencement Information

11 [Reg. 12](#) in force at 14.5.2022, see [reg. 1\(b\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Merchant Shipping and Fishing Vessels (Entry into Enclosed Spaces) Regulations 2022, Section 12.