



# 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,
  - <sup>[F1]</sup>(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.

<sup>F2</sup>[(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.]

<sup>F3</sup>(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.

<sup>F3</sup>(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.

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- <sup>F3</sup>(2B) A person guilty of an offence under subsection (2) or (2A) above shall be liable<sup>F4</sup>—  
[<sup>F4</sup>on summary conviction, or 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) [<sup>F5</sup>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 [<sup>F6</sup>or failing to comply with a direction given under subsection (1A)(a) above][<sup>F7</sup>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 [<sup>F8</sup>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(2B) substituted (E.W.) (12.3.2015) by The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015 (S.I. 2015/664), reg. 1(1), **Sch. 4 para. 27(15)** (with reg. 5(1))

**F5** 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.**

**F6** 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**

**F7** 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**

**F8** 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 power to apply (with modifications) conferred (12.12.2006) by The Merchant Shipping (Prevention of Pollution by Sewage and Garbage) Order 2006 (S.I. 2006/2950), arts. 1, **5(f)**
- C3** S. 284 applied (with modifications) (1.1.2007) by The Merchant Shipping (Local Passenger Vessels) (Crew) Regulations 2006 (S.I. 2006/3224), regs. 1, **7(4)**
- C4** S. 284 applied (with modifications) (1.1.2007) by The Merchant Shipping (Inland Waterway and Limited Coastal Operations) (Boatmasters' Qualifications and Hours of Work) Regulations 2006 (S.I. 2006/3223), regs. 1(b), **26(4)**
- C5** S. 284 applied (E.W.) (27.3.2007 for W., 6.4.2007 for E.) by Animal Welfare Act 2006 (c. 45), **ss. 55(3), 68(3)** (with ss. 1(2), 58(1), 59, 60); S.I. 2007/1030, art. 2(1)(h); S.I. 2007/499, art. 2(2)(j)
- C6** S. 284 applied (with modifications) (with application in accordance with reg. 4 of the amending S.I.) by The Merchant Shipping and Fishing Vessels (Control of Vibration at Work) Regulations 2007 (S.I. 2007/3077), regs. 1, **19(1)**
- C7** S. 284 applied (with modifications) (with application in accordance with reg. 4 of the amending S.I.) by The Merchant Shipping and Fishing Vessels (Control of Noise at Work) Regulations 2007 (S.I. 2007/3075), regs. 1, **20(1)**
- C8** S. 284 applied (with modifications) (1.3.2008) by The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Carcinogens and Mutagens) Regulations 2007 (S.I. 2007/3100), regs. 1, **23(1)**
- C9** S. 284 applied (with modifications) (8.12.2008) by The Merchant Shipping (Prevention of Air Pollution from Ships) Regulations 2008 (S.I. 2008/2924), regs. 1, **28(5)** (with reg. 3)
- C10** S. 284 applied (with modifications) (1.2.2009) by The Merchant Shipping (Prevention of Pollution by Sewage and Garbage from Ships) Regulations 2008 (S.I. 2008/3257), regs. 1(2), **38(5)** (with reg. 6(17))
- C11** S. 284 applied in part (with modifications) (1.7.2009) by S.I. 1996/2154, **reg. 35A(2)** (as inserted by The Merchant Shipping (Implementation of Ship-Source Pollution Directive) Regulations 2009 (S.I. 2009/1210), regs. 1, **4(11)**)
- C12** S. 284 applied (with modifications) (1.12.2009) by The Merchant Shipping (Anti-Fouling Systems) Regulations 2009 (S.I. 2009/2796), regs. 1, **12(5)** (with reg. 3)
- C13** S. 284 applied (with modifications) (6.4.2010) by The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Biological Agents) Regulations 2010 (S.I. 2010/323), regs. 1, **28** (with regs. 4, 5)

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- C14 S. 284 applied (with modifications) (6.4.2010) by The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Chemical Agents) Regulations 2010 (S.I. 2010/330), regs. 1, **21** (with regs. 4, 5)
- C15 S. 284 applied (with modifications) (6.4.2010) by The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Work at Height) Regulations 2010 (S.I. 2010/332), regs. 1, **23** (with regs. 4, 5)
- C16 S. 284 applied (with modifications) (6.4.2010) by The Merchant Shipping (Passenger Ships) (Safety Code for UK Categorised Waters) Regulations 2010 (S.I. 2010/680), regs. 1(2), **22(2)** (with reg. 3)
- C17 S. 284 applied (10.1.2011) by The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Asbestos) Regulations 2010 (S.I. 2010/2984), regs. 1, **27(1)**
- C18 S. 284 applied (with modifications) (10.1.2011) by The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Artificial Optical Radiation) Regulations 2010 (S.I. 2010/2987), regs. 1, **17(1)**
- C19 S. 284 applied (with modifications) (24.11.2011) by The Merchant Shipping (Port State Control) Regulations 2011 (S.I. 2011/2601), regs. 1(2), **3(5)**
- C20 S. 284 applied (with modifications) (coming into force in accordance with reg. 1(2) of the amending S.I.) by The Merchant Shipping (Compulsory Insurance of Shipowners for Maritime Claims) Regulations 2012 (S.I. 2012/2267), regs. 1(2), **9(2)** (with reg. 3)
- C21 S. 284 applied (with modifications) (12.1.2013) by The Merchant Shipping (Carriage of Passengers by Sea) Regulations 2012 (S.I. 2012/3152), regs. 1(2), **9(2)**
- C22 S. 284 applied (with modifications) (17.3.2014) by S.I. 2002/2125, regs. 17A(3), **17B(4)** (as inserted by The Merchant Shipping (Maritime Labour Convention) (Hours of Work) (Amendment) Regulations 2014 (S.I. 2014/308), regs. 1(2), **2(19)**)
- C23 S. 284 applied (with modifications) (18.7.2014) by The Merchant Shipping (International Safety Management (ISM) Code) Regulations 2014 (S.I. 2014/1512), regs. 1(1), **14(4)(5)** (with reg. 3)
- C24 S. 284 applied (with modifications) (7.8.2014) by The Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014 (S.I. 2014/1613), regs. 1(2), **58(3)**
- C25 S. 284 applied (with modifications) (13.10.2014) by S.I. 1997/2962, **reg. 27B(4)** (as inserted by The Merchant Shipping (Maritime Labour Convention) (Health and Safety) (Amendment) Regulations 2014 (S.I. 2014/1616), regs. 1(2), **2(18)**)
- C26 S. 284 applied (with modifications) (4.4.2015) by The Merchant Shipping (Boatmasters' Qualifications, Crew and Hours of Work) Regulations 2015 (S.I. 2015/410), regs. 1, **49(4)**
- C27 S. 284 applied in part (with modifications) (6.4.2015) by The Merchant Shipping (Survey and Certification) Regulations 2015 (S.I. 2015/508), regs. 1, **27(1)** (with reg. 5)
- C28 S. 284 applied (with modifications) (9.6.2015) by The Merchant Shipping (Standards of Training, Certification and Watchkeeping) Regulations 2015 (S.I. 2015/782), regs. 1, **54(1)(2)**
- C29 S. 284 applied (with modifications) (21.11.2016) by The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Electromagnetic Fields) Regulations 2016 (S.I. 2016/1026), regs. 1, **16** (with reg. 4)
- C30 S. 284 applied in part (5.12.2016) by The Merchant Shipping (Marine Equipment) Regulations 2016 (S.I. 2016/1025), regs. 1, **27(2)**
- C31 S. 284 applied (with modifications) (1.10.2017) by The Merchant Shipping (Monitoring, Reporting and Verification of Carbon Dioxide Emissions) and the Port State Control (Amendment) Regulations 2017 (S.I. 2017/825), regs. 1, **6(2)** (with reg. 3)
- C32 S. 284 applied (with modifications) (23.10.2017) by The Fishing Vessels (Codes of Practice) Regulations 2017 (S.I. 2017/943), regs. 1, **15(1)** (with reg. 3)
- C33 S. 284 applied (with modifications) (9.3.2018) by The Merchant Shipping (International Load Line Convention) (Amendment) Regulations 2018 (S.I. 2018/155), regs. 1, **27(4)** (with regs. 4, 29)
- C34 S. 284 applied (with modifications) (12.3.2018) by The Merchant Shipping (Prevention of Pollution from Noxious Liquid Substances in Bulk) Regulations 2018 (S.I. 2018/68), regs. 1(1), **34(5)** (with reg. 5)
- C35 S. 284 applied (with modifications) (6.4.2018) by The Merchant Shipping (Maritime Labour Convention) (Hours of Work) Regulations 2018 (S.I. 2018/58), regs. 1, **21(2)(3)** (with regs. 3, 4)

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- C36** S. 284 applied (with modifications) (1.3.2019) by The Merchant Shipping (Prevention of Oil Pollution) Regulations 2019 (S.I. 2019/42), regs. 1(1), **38(5)** (with regs. 2, 5)
- C37** S. 284 applied (with modifications) (30.11.2019) by The Merchant Shipping (Work in Fishing Convention) (Survey and Certification) Regulations 2018 (S.I. 2018/1107), regs. 1(2), **11(3)**, **14(4)** (with reg. 3)
- C38** S. 284 applied (with modifications) (9.6.2020) by The Merchant Shipping (Life-Saving Appliances and Arrangements) Regulations 2020 (S.I. 2020/501), regs. 1, **21(3)** (with reg. 4)
- C39** S. 284 applied (with modifications) (22.7.2020) by The Merchant Shipping (Prevention of Pollution by Garbage from Ships) Regulations 2020 (S.I. 2020/621), regs. 1(2), **17(5)**
- C40** S. 284 applied (with modifications) (22.7.2020) by The Merchant Shipping (Prevention of Pollution by Sewage from Ships) Regulations 2020 (S.I. 2020/620), regs. 1(2), **26(5)**
- C41** S. 284(1)-(6)(8) modified (23.10.2000) by S.I. 2000/2687, **reg. 10**
- C42** S. 284(1)-(3)(8) applied (with modifications) (29.10.1999) by S.I. 1999/2205, **reg. 16**
- C43** 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**
- C44** 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**
- C45** S. 284(1)-(6) modified (11.12.2003) by The Merchant Shipping (Fire Protection) Regulations 2003 (S.I. 2003/2950), regs. 1, **9** (with reg. 3)
- C46** S. 284(1)-(6) modified by S.I. 1996/3010, **reg. 15(3)** (as substituted (20.4.2004) by The Merchant Shipping (Dangerous or Noxious Liquid Substances in Bulk) (Amendment) Regulations 2004 (S.I. 2004/930), regs. 1(1), 7)
- C47** S. 284(1)-(6) applied by S.I. 1994/2464, **reg. 11** (as substituted (20.4.2004) by The Merchant Shipping (Gas Carriers) (Amendment) Regulations 2004 (S.I. 2004/929), regs. 1(1), 7)
- C48** S. 284(1)-(6) applied (with modifications) (16.8.2004) by The Fishing Vessels (Working Time: Sea-fishermen) Regulations 2004 (S.I. 2004/1713), regs. 1, **16(3)** (with reg. 3)
- C49** S. 284(1)-(6) modified (6.9.2005) by The Merchant Shipping (Bridge Visibility) (Small Passenger Ships) Regulations 2005 (S.I. 2005/2286), regs. 1, **11**
- C50** S. 284(1)-(5) applied (with modifications) (24.11.2006) by The Merchant Shipping and Fishing Vessels (Provision and Use of Work Equipment) Regulations 2006 (S.I. 2006/2183), **reg. 40**
- C51** S. 284(1)-(5) applied (with modifications) (24.11.2006) by The Merchant Shipping and Fishing Vessels (Lifting Operations and Lifting Equipment) Regulations 2006 (S.I. 2006/2184), regs. 1(1), **23**
- C52** S. 284(8) modified (11.12.2003) by The Merchant Shipping (Fire Protection) Regulations 2003 (S.I. 2003/2950), regs. 1, **9** (with reg. 3)
- C53** S. 284(8) modified by S.I. 1996/3010, reg. 15(3) (as substituted (20.4.2004) by The Merchant Shipping (Dangerous or Noxious Liquid Substances in Bulk) (Amendment) Regulations 2004 (S.I. 2004/930), regs. 1(1), 7)
- C54** S. 284(8) applied by S.I. 1994/2464, reg. 11 (as substituted (20.4.2004) by The Merchant Shipping (Gas Carriers) (Amendment) Regulations 2004 (S.I. 2004/929), regs. 1(1), 7)
- C55** S. 284(8) applied (with modifications) (16.8.2004) by The Fishing Vessels (Working Time: Sea-fishermen) Regulations 2004 (S.I. 2004/1713), regs. 1, **16(3)** (with reg. 3)
- C56** S. 284(8) modified (6.9.2005) by The Merchant Shipping (Bridge Visibility) (Small Passenger Ships) Regulations 2005 (S.I. 2005/2286), regs. 1, **11**
- C57** S. 284(8) applied (with modifications) (24.11.2006) by The Merchant Shipping and Fishing Vessels (Provision and Use of Work Equipment) Regulations 2006 (S.I. 2006/2183), **reg. 40**
- C58** S. 284(8) applied (with modifications) (24.11.2006) by The Merchant Shipping and Fishing Vessels (Lifting Operations and Lifting Equipment) Regulations 2006 (S.I. 2006/2184), regs. 1(1), **23**

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## **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—
  - (a) except in Scotland, direct the amount remaining unpaid to be levied by distress,
  - (b) 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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