



# Merchant Shipping Act 1995

## 1995 CHAPTER 21

### PART X

#### ENFORCEMENT OFFICERS AND POWERS

##### *Inspection etc powers*

#### **258 Powers to inspect ships and their equipment, etc.**

(1) [<sup>F1</sup>For the purposes of seeing that the provisions of this Act other than sections 131 to 141 and sections 143 to 151 and the provisions of regulations and rules made under this Act (other than those sections) are complied with or] that the terms of any approval, licence, consent, direction or exemption given by virtue of such regulations are duly complied with, the following persons, namely—

- (a) a surveyor of ships,
- (b) a superintendent,
- (c) any person appointed by the Secretary of State, either generally or in a particular case, to exercise powers under this section,

may at all reasonable times go on board a ship [<sup>F2</sup>in the United Kingdom or in United Kingdom waters] and inspect the ship and its equipment or any part thereof, any articles on board and any document carried in the ship in pursuance of this Act <sup>F3</sup>. . . or in pursuance of regulations or rules under this Act <sup>F3</sup>. . .

<sup>F4</sup>[(1A) The powers conferred by subsection (1) above are not exercisable in relation to a qualifying foreign ship while the ship is exercising—

- (a) the right of innocent passage, or
- (b) the right of transit passage through straits used for international navigation.]

(2) The powers conferred by subsection (1) above are, if the ship is a United Kingdom ship, also exercisable outside [<sup>F5</sup>United Kingdom waters] and may be so exercised by a proper officer as well as the persons mentioned in that subsection.

*Status: Point in time view as at 31/12/2018. This version of this provision has been superseded.*

*Changes to legislation: Merchant Shipping Act 1995, Section 258 is up to date with all changes known to be in force on or before 15 July 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)*

- (3) A person exercising powers under this section shall not unnecessarily detain or delay a ship but may, if he considers it necessary in consequence of an accident or for any other reason, require a ship to be taken into dock for a survey of its hull or machinery.
- <sup>F6</sup>(4) . . . . .
- (5) If any person obstructs a person in the exercise of his powers under this section, or fails to comply with a requirement made under subsection (3) above, he shall be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.

#### Textual Amendments

- F1** Words in s. 258(1) substituted (23.3.1997) by 1997 c. 28, s. 9, **Sch. 1 para. 4(2)(a)**; S.I. 1997/1082, art. 2, **Sch.**
- F2** Words in s. 258(1) inserted (23.3.1997) by 1997 c. 28, s. 9, **Sch. 1 para. 4(2)(b)**; S.I. 1997/1082, art. 2, **Sch.**
- F3** Words in s. 258(1) omitted (23.3.1997) by virtue of 1997 c. 28, s. 9, **Sch. 1 para. 4(2)(c)**; S.I. 1997/1082, art. 2, **Sch.** and repealed (17.7.1997) by 1997 c. 28, s. 29(2), **Sch. 7 Pt. 1**; S.I. 1997/1539, art. 2, **Sch.**
- F4** S. 258(1A) inserted (23.3.1997) by 1997 c. 28, s. 9, **Sch. 1 para. 4(3)**; S.I. 1997/1082, art. 2, **Sch.**
- F5** Words in s. 258(2) substituted (23.3.1997) by 1997 c. 28, s. 9, **Sch. 1 para. 4(4)**; S.I. 1997/1082, art. 2, **Sch.**
- F6** S. 258(4) repealed (1.7.2012) by Protection of Freedoms Act 2012 (c. 9), s. 120, Sch. 2 para. 2(1), **Sch. 10 Pt. 2** (with s. 97, Sch. 2 para. 2(2))

#### Modifications etc. (not altering text)

- C1** Ss. 258-266 applied (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, **19**
- C2** Ss. 258-266 applied (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, **18**
- C3** Ss. 258-266 applied (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, **22**
- C4** S. 258 applied (with modifications) (8.12.2008) by **The Merchant Shipping (Prevention of Air Pollution from Ships) Regulations 2008** (S.I. 2008/2924), regs. 1, **26** (with reg. 3)
- C5** S. 258 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), **36** (with reg. 6(17))
- C6** S. 258 applied in part (with modifications) (1.12.2009) by **The Merchant Shipping (Anti-Fouling Systems) Regulations 2009** (S.I. 2009/2796), regs. 1, **10(2)** (with reg. 3)
- C7** Ss. 258-266 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, **22** (with regs. 4, 5)
- C8** Ss. 258-266 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, **27** (with regs. 4, 5)
- C9** Ss. 258-266 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, **20** (with regs. 4, 5)
- C10** Ss. 258-266 applied (6.4.2010) by **The Merchant Shipping (Maritime Labour Convention) (Medical Certification) Regulations 2010** (S.I. 2010/737), regs. 1(1), **19** (with reg. 5)

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- C11** Ss. 258-266 applied (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, **16**
- C12** Ss. 258-266 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, **26**
- C13** S. 258 applied (with modifications) (24.11.2011) by The Merchant Shipping (Port State Control) Regulations 2011 (S.I. 2011/2601), regs. 1(2), **25(2)**
- C14** S. 258 applied in part (with modifications) (15.8.2013) by The Merchant Shipping (Maritime Labour Convention) (Survey and Certification) Regulations 2013 (S.I. 2013/1785), regs. 1, **16(2)**
- C15** S. 258 applied in part (with modifications) (17.3.2014) by S.I. 2002/2125, **reg. 14(3)** (as substituted by The Merchant Shipping (Maritime Labour Convention) (Hours of Work) (Amendment) Regulations 2014 (S.I. 2014/308), regs. 1(2), **2(14)**)
- C16** S. 258 applied in part (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), **54(2)**
- C17** S. 258 applied in part (with modifications) (13.10.2014) by S.I. 1997/2962, **reg. 27A(2)** (as inserted by The Merchant Shipping (Maritime Labour Convention) (Health and Safety) (Amendment) Regulations 2014 (S.I. 2014/1616), regs. 1(2), **2(18)**)
- C18** Ss. 258-266 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, **15** (with reg. 4)
- C19** Ss. 258-266 applied (with modifications) (5.12.2016) by The Merchant Shipping (Marine Equipment) Regulations 2016 (S.I. 2016/1025), regs. 1, **28**
- C20** S. 258 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), **32(1)** (with reg. 5)
- C21** S. 258 applied in part (6.4.2018) by The Merchant Shipping (Maritime Labour Convention) (Hours of Work) Regulations 2018 (S.I. 2018/58), regs. 1, **19(2)** (with regs. 3, 4)
- C22** S. 258 applied in part (with modifications) (31.12.2018) by The Merchant Shipping (Work in Fishing Convention) Regulations 2018 (S.I. 2018/1106), regs. 1(2), **28(2)** (with reg. 3)

**Status:**

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