



# Merchant Shipping Act 1995

## 1995 CHAPTER 21

### PART IV

#### SAFETY

##### *Unsafe ships*

#### **97 Compensation in connection with invalid detention of ship.**

- (1) If on a reference under section 96 relating to a detention notice in relation to a ship—
- the arbitrator decides that any matter did not constitute a valid basis for the relevant inspector's opinion, and
  - it appears to him that there were no reasonable grounds for the inspector to form that opinion,
- the arbitrator may award the owner of the ship such compensation in respect of any loss suffered by him in consequence of the detention of the ship as the arbitrator thinks fit.
- (2) Any compensation awarded under this section shall be payable by the Secretary of State.
- (3) In the application of this section to Scotland any reference to an arbitrator shall be construed as a reference to an arbiter.
- (4) In this section "relevant inspector" has the same meaning as in section 95.

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

- C1** S. 97 applied (31.3.1998) by [S.I. 1997/2962, reg. 30](#)  
S. 97 applied (30.10.1998) by [S.I. 1998/2411, reg. 16](#)  
S. 97 applied (31.12.1998) by [S.I. 1998/2857, reg. 13](#)  
S. 97 applied (25.10.1999) by [S.I. 1999/2205, reg. 17](#)  
S. 97 applied (with modifications) (1.11.2001) by [S.I. 2001/3209, reg. 9\(8\)](#)  
S. 97 applied (with modifications) (15.2.2002) by [S.I. 2001/3444, reg. 13](#)  
S. 97 applied (with modifications) (23.11.2002) by [S.I. 2002/2201, reg. 12](#)

*Status: Point in time view as at 19/12/2022. This version of this provision has been superseded.*

*Changes to legislation: Merchant Shipping Act 1995, Section 97 is up to date with all changes known to be in force on or before 18 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)*

- S. 97 applied (with modifications) (1.9.2002) by S.I. 2002/2055, **reg. 16**
- C2** S. 97 applied (with modifications) (15.7.2003) by The Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003 (S.I. 2003/1809), regs. 1(1), **23** (with reg. 3)
- C3** S. 97 applied (with modifications) (16.8.2004) by The Fishing Vessels (Working Time: Sea-fishermen) Regulations 2004 (S.I. 2004/1713), regs. 1, **17** (with reg. 3)
- C4** Ss. 96, 97 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. 41**
- C5** Ss. 96, 97 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), **24**
- C6** S. 97 applied (1.1.2007) by The Merchant Shipping (Local Passenger Vessels) (Crew) Regulations 2006 (S.I. 2006/3224), regs. 1, **7(3)**
- C7** S. 97 applied (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(3)**
- C8** S. 97 applied (with modifications) (24.11.2011) by The Merchant Shipping (Port State Control) Regulations 2011 (S.I. 2011/2601), regs. 1(2), **14(3)**
- C9** S. 97 applied (with modifications) (7.9.2002) by S.I. 2002/2125, **reg. 18(1)(2)** (as amended (17.3.2014) by The Merchant Shipping (Maritime Labour Convention) (Hours of Work) (Amendment) Regulations 2014 (S.I. 2014/308), regs. 1(2), **2(20)(b)**)
- C10** S. 97 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(3)**
- C11** S. 97 applied (with modifications) (6.4.2015) by The Merchant Shipping (Survey and Certification) Regulations 2015 (S.I. 2015/508), regs. 1, **27(3)** (with reg. 5)
- C12** S. 97 applied (with modifications) (5.12.2016) by The Merchant Shipping (Marine Equipment) Regulations 2016 (S.I. 2016/1025), regs. 1, **27(4)**
- C13** S. 97 applied (9.3.2018) by The Merchant Shipping (International Load Line Convention) (Amendment) Regulations 2018 (S.I. 2018/155), regs. 1, **27(5)** (with regs. 4, 29)
- C14** S. 97 applied (with modifications) (6.4.2018) by The Merchant Shipping (Maritime Labour Convention) (Hours of Work) Regulations 2018 (S.I. 2018/58), regs. 1, **23(1)(3)** (with regs. 3, 4)
- C15** S. 97 applied (with modifications) (9.6.2020) by The Merchant Shipping (Life-Saving Appliances and Arrangements) Regulations 2020 (S.I. 2020/501), regs. 1, **21(5)(6)** (with reg. 4)
- C16** S. 97 applied (with modifications) (31.7.2020) by The Merchant Shipping (Safety of Navigation) Regulations 2020 (S.I. 2020/673), regs. 1(1), **12(5)(6)** (with reg. 3)
- C17** S. 97 applied (with modifications) (24.12.2021) by S.I. 1998/2070, **reg. 49(5)(6)** (as substituted by The Merchant Shipping (Radiocommunications) (Amendment) Regulations 2021 (S.I. 2021/1316), reg. 1(1), **Sch. 1 para. 14** (with reg. 4))
- C18** S. 97 applied (with modifications) (6.1.2022) by The Merchant Shipping (Polar Code) (Safety) Regulations 2021 (S.I. 2021/1401), regs. 1(1), **28(5)(6)** (with reg. 3)
- C19** S. 97 applied (with modifications) (14.5.2022) by The Merchant Shipping and Fishing Vessels (Entry into Enclosed Spaces) Regulations 2022 (S.I. 2022/96), regs. 1(b), **12(4)(5)** (with reg. 5)
- C20** Ss. 96, 97 applied (with modifications) (8.12.2022) by The Merchant Shipping (Nuclear Ships) Regulations 2022 (S.I. 2022/1169), regs. 1(1), **33(5)(6)** (with reg. 3)
- C21** Ss. 96, 97 applied (with modifications) (19.12.2022) by The Merchant Shipping (High Speed Craft) Regulations 2022 (S.I. 2022/1219), regs. 1(1), **17(5)(6)** (with reg. 4(2)-(4))
- C22** S. 97(1) applied (with modifications) (1.1.1996) by S.I. 1995/3128, **reg. 10(3)**

**Status:**

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**Changes to legislation:**

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