
DRAFT STATUTORY INSTRUMENTS

2022 No.

The Merchant Shipping (Additional Safety Measures for Bulk Carriers) Regulations 2022

PART 4

Enforcement

Detention

22.—(1) For the purposes of this regulation, any reference to “the Act” is a reference to the Merchant Shipping Act 1995.

(2) Any bulk carrier which does not comply with the requirements of these Regulations or Chapter XII applicable to that bulk carrier, may be detained in the United Kingdom.

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

- (a) references to detention of a ship under the Act were references to detention of the bulk carrier in question under this regulation; and
- (b) subsection (7) were omitted.

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

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

(5) Subject to paragraph (6), 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 of the Act (power to detain dangerously unsafe ship)(3).

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

- (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.

(1) Section 284 was amended by Schedule 1 to the Merchant Shipping and Maritime Security Act 1997 (c. 28) and S.I. 2015/664.
(2) Section 96(7) was amended by Part 1 of Schedule 10 to the Tribunals, Courts and Enforcement Act 2007 (c. 15) and by Schedule 11 to the Constitutional Reform Act 2005 (c. 4). Section 96(10) was repealed by Schedule 4 to the Arbitration Act 1996 (c. 23).
(3) Section 95 was amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28).

(7) Subject to paragraph (8), where a non-United Kingdom bulk carrier is detained, the Secretary of State must immediately inform the bulk carrier's flag administration in writing.

(8) If it is not possible to inform the bulk carrier's flag administration in accordance with paragraph (7), 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.

(9) For the purposes of paragraphs (7) and (8), "flag administration" in relation to a bulk carrier means the administration of the State whose flag the bulk carrier is entitled to fly.