

---

DRAFT STATUTORY INSTRUMENTS

---

**2023 No.**

**The Merchant Shipping (Fire Protection) Regulations 2023**

**PART 7**

**Enforcement**

**Detention**

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

(2) Any ship which does not comply with the requirements of, or listed in—

- (a) these Regulations;
- (b) regulation 1.2 in Part A of Chapter II-2 (applicable requirements to existing ships);
- (c) regulation 1.6 in Part A of Chapter II-2 (application of requirements to tankers);
- (d) Parts B, C, D, E and G of Chapter II-2 (fire protection requirements);
- (e) Merchant Shipping Notice 1900 (M);
- (f) Merchant Shipping Notice 1901 (M);
- (g) Merchant Shipping Notice 1902 (M); or
- (h) the relevant Merchant Shipping Notices,

applicable to that ship, may be detained in the United Kingdom.

(3) Section 284 of the Act<sup>(1)</sup> (enforcing detention of ship) applies where a ship 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 ship in question under this regulation; and
- (b) subsection (7) were omitted.

(4) 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 for 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.

(5) Subject to paragraph (6), section 96 (references of detention notices to arbitration)<sup>(2)</sup> 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)<sup>(3)</sup>.

---

(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 Section 96(10) was repealed by Schedule 4 to the Arbitration Act 1996 (c. 23).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 Schedule 1 to the Merchant Shipping and Maritime Security Act 1997 (c. 28).

- (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.
- (7) Subject to paragraph (8), 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.
- (8) If it is not possible to inform the ship’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 ship means the administration of the State whose flag the ship is entitled to fly.