



Merchant Shipping Act 1995

1995 CHAPTER 21

PART VI

PREVENTION OF POLLUTION

CHAPTER II

OIL POLLUTION

Enforcement

144 Power to detain ships for section 131 offences.

- (1) Where a harbour master has reason to believe that the master or owner of a ship has committed an offence under section 131 by the discharge from the ship of oil, or a mixture containing oil, into the waters of the harbour, the harbour master may detain the ship.
- (2) Section 284, in its application to the detention of a ship under this section, shall have effect with the omission of subsections (1), (6) and (7) and as if—
 - (a) in subsection (2), the reference to competent authority were a reference to the harbour authority; and
 - (b) in subsection (4), the persons in relation to whom that subsection applies were the harbour master or any person acting on his behalf.
- (3) Where a harbour master detains a ship other than a United Kingdom ship under this section he shall immediately notify the Secretary of State, who shall then inform the consul or diplomatic representative of the State whose flag the ship is entitled to fly or the appropriate maritime authorities of that State.

In this subsection “United Kingdom ship” has the same meaning as in section 85.

- (4) A harbour master who detains a ship under this section shall immediately release the ship—

Status: Point in time view as at 01/01/1996. This version of this provision has been superseded.

Changes to legislation: Merchant Shipping Act 1995, Section 144 is up to date with all changes known to be in force on or before 02 August 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)

- (a) if no proceedings for the offence are instituted within the period of seven days beginning with the day on which the ship is detained;
 - (b) if proceedings for the offence, having been instituted within that period, are concluded without the master or owner being convicted;
 - (c) if either—
 - (i) the sum of £55,000 is paid to the harbour authority by way of security, or
 - (ii) security which, in the opinion of the harbour authority, is satisfactory and is for an amount not less than £55,000 is given to the harbour authority,
 by or on behalf of the master or owner; or
 - (d) where the master or owner is convicted of the offence, if any costs or expenses ordered to be paid by him, and any fine imposed on him, have been paid.
- (5) The harbour authority shall repay any sum paid in pursuance of subsection (4)(c) above or release any security so given—
- (a) if no proceedings for the offence are instituted within the period of seven days beginning with the day on which the sum is paid; or
 - (b) if proceedings for the offence, having been instituted within that period, are concluded without the master or owner being convicted.
- (6) Where a sum has been paid, or security has been given, by any person in pursuance of subsection (4)(c) above and the master or owner is convicted of the offence, the sum so paid or the amount made available under the security shall be applied as follows—
- (a) first in payment of any costs or expenses ordered by the court to be paid by the master or owner; and
 - (b) next in payment of any fine imposed by the court;
- and any balance shall be repaid to the first-mentioned person.
- (7) Any reference in this section to a harbour master or a harbour authority shall, where the harbour in question consists of or includes the whole or any part of a dockyard port within the meaning of the ^{M1}Dockyard Ports Regulation Act 1865, be construed as including a reference to the Queen's harbour master for the port.
- (8) This section does not apply in relation to a ship of Her Majesty's navy or any Government ship.

Marginal Citations

M1 1865 c. 125.

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