



# Merchant Shipping Act 1995

## 1995 CHAPTER 21

### PART X **U.K.**

#### ENFORCEMENT OFFICERS AND POWERS

##### *Improvement notices and prohibition notices*

#### 261 Improvement notices. **U.K.**

- (1) If an inspector appointed under section 256(6) is of the opinion that a person—
  - (a) is contravening one or more of the relevant statutory provisions, or
  - (b) has contravened one or more of those provisions in circumstances that make it likely that the contravention will continue or be repeated,he may serve on that person a notice under this section, (referred to in the following sections of this Part as an improvement notice).
- (2) An improvement notice shall—
  - (a) state that the inspector is of the said opinion, specify the provision or provisions as to which he is of that opinion, and give particulars of the reasons why he is of that opinion, and
  - (b) require the person on whom the notice is served to remedy the contravention in question or (as the case may be) the matters occasioning it within such period as may be specified in the notice.
- (3) The period specified in pursuance of subsection (2)(b) above shall not expire before the end of the period within which a notice can be given under section 264 requiring questions relating to the improvement notice to be referred to arbitration.
- (4) In this and the following sections of this Part “the relevant statutory provisions” means—
  - (a) sections 43, 44, 46 to 55, 85, 86, 88 (and Schedule 2), <sup>F1</sup> . . . <sup>F2</sup> . . . 99, 109, 115, 116, 121 to 126, 128, 129, 130 [<sup>F3</sup>130A], 131 to 151 and 272; and

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- (b) the provisions of any instrument of a legislative character having effect under any of those provisions.

#### Textual Amendments

- F1** Words in s. 261(4)(a) repealed (12.10.1998) by S.I. 1998/2241, **reg. 3(1)(b)**  
**F2** Words in s. 261(4)(a) repealed (1.12.1998) by S.I. 1998/2647, **reg. 1(2)(b)**  
**F3** Figure in s. 261(4)(a) substituted (19.3.1997) by 1997 c. 28, ss. 29(1), 31(4), **Sch. 6 para. 16**

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

- C1** S. 261 modified (16.2.2001) by S.I. 2001/152, **reg. 11(2)**  
**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 Noise at Work) Regulations 2007** (S.I. 2007/3075), regs. 1, **19**  
**C3** 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**  
**C4** 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**  
**C5** Ss. 261-266 applied (with modifications) (1.12.2009) by **The Merchant Shipping (Anti-Fouling Systems) Regulations 2009** (S.I. 2009/2796), regs. 1, **10(5)** (with reg. 3)  
**C6** 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)  
**C7** 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)  
**C8** 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)  
**C9** 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)  
**C10** 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**  
**C11** 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**  
**C12** Ss. 261-266 applied (with modifications) (15.8.2013) by **The Merchant Shipping (Maritime Labour Convention) (Survey and Certification) Regulations 2013** (S.I. 2013/1785), regs. 1, **16(5)**  
**C13** Ss. 261-266 applied (with modifications) (17.3.2014) by S.I. 2002/2125, **reg. 14(6)** (as substituted by **The Merchant Shipping (Maritime Labour Convention) (Hours of Work) (Amendment) Regulations 2014** (S.I. 2014/308), regs. 1(2), **2(14)**)  
**C14** Ss. 261-266 applied (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(5)**  
**C15** Ss. 261-266 applied (with modifications) (13.10.2014) by S.I. 1997/2962, **reg. 27A(5)** (as inserted by **The Merchant Shipping (Maritime Labour Convention) (Health and Safety) (Amendment) Regulations 2014** (S.I. 2014/1616), regs. 1(2), **2(18)**)  
**C16** 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)  
**C17** Ss. 258-266 applied (with modifications) (5.12.2016) by **The Merchant Shipping (Marine Equipment) Regulations 2016** (S.I. 2016/1025), regs. 1, **28**

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- C18** Ss. 261-266 applied (with modifications) (6.4.2018) by [The Merchant Shipping \(Maritime Labour Convention\) \(Hours of Work\) Regulations 2018 \(S.I. 2018/58\)](#), regs. 1, **19(6)(7)**, **20(6)(7)** (with regs. 3, 4)
- C19** Ss. 261-266 applied (with modifications) (31.12.2018) by [The Merchant Shipping \(Work in Fishing Convention\) Regulations 2018 \(S.I. 2018/1106\)](#), regs. 1(2), **28(5)** (with reg. 3)
- C20** Ss. 261-266 applied (with modifications) (30.11.2019) by [The Merchant Shipping \(Work in Fishing Convention\) \(Survey and Certification\) Regulations 2018 \(S.I. 2018/1107\)](#), regs. 1(2), **10(5)** (with reg. 3)

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