



Merchant Shipping Act 1995

1995 CHAPTER 21

PART X **U.K.**

ENFORCEMENT OFFICERS AND POWERS

Improvement notices and prohibition notices

262 **Prohibition notices. U.K.**

- (1) If, as regards any relevant activities which are being or are likely to be carried on on board any ship by or under the control of any person, an inspector appointed under section 256(6) is of the opinion that, as so carried on or as likely to be so carried on, the activities involve or (as the case may be) will involve the risk of—
 - (a) serious personal injury to any person (whether on board the ship or not), or
 - (b) serious pollution of any navigable waters,the inspector may serve on the first-mentioned person a notice under this section (referred to in the following sections of this Part as a “prohibition notice”).
- (2) In subsection (1) above “relevant activities” means activities to or in relation to which any of the relevant statutory provisions apply or will, if the activities are carried on as mentioned in that subsection, apply.
- (3) A prohibition notice shall—
 - (a) state that the inspector is of the said opinion;
 - (b) specify the matters which in his opinion give or (as the case may be) will give rise to the said risk;
 - (c) where in his opinion any of those matters involve or (as the case may be) will involve a contravention of any of the relevant statutory provisions state that he is of that 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
 - (d) direct—
 - (i) that the activities to which the notice relates shall not be carried on by or under the control of the person on whom the notice is served, or

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- (ii) that the ship shall not go to sea,
(or both of those things) unless the matters specified in the notice in pursuance of paragraph (b) above, and any associated contraventions of any provision so specified in pursuance of paragraph (c) above, have been remedied.
- (4) A direction contained in a prohibition notice in pursuance of subsection (3)(d) above shall take effect—
- (a) at the end of a period specified in the notice, or
 - (b) if the direction is given in pursuance of subsection (3)(d)(ii) above or the notice so declares, immediately.

Modifications etc. (not altering text)

- C1** 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**
- C2** Ss. 258-266 applied (with application in accordance with reg. 4 of the amending S.I.) by [The Merchant Shipping and Fishing Vessels \(Control of Vibration at Work\) Regulations 2007 \(S.I. 2007/3077\)](#), regs. 1, **18**
- C3** 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**
- C4** 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)
- C5** 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)
- C6** 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)
- C7** 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)
- C8** 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)
- C9** 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**
- C10** 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**
- C11** 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)**
- C12** 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)**)
- C13** 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)**
- C14** 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)**)
- C15** 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)

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- C16** Ss. 258-266 applied (with modifications) (5.12.2016) by The Merchant Shipping (Marine Equipment) Regulations 2016 (S.I. 2016/1025), regs. 1, **28**
- C17** 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)
- C18** 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)
- C19** 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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