



Merchant Shipping Act 1995

1995 CHAPTER 21

PART XII

LEGAL PROCEEDINGS

Detention of ship and distress on ship

284 Enforcing detention of ship

- (1) Where under this Act a ship is to be or may be detained any of the following officers may detain the ship—
 - (a) any commissioned naval or military officer,
 - (b) any Departmental officer,
 - (c) any officer of customs and excise, and
 - (d) any British consular officer.
- (2) If a ship which has been detained or as respects which notice of detention or an order for detention has been served on the master proceeds to sea before it is released by competent authority the master of the ship shall be liable—
 - (a) on summary conviction, to a fine not exceeding £50,000;
 - (b) on conviction on indictment, to a fine.
- (3) The owner of a ship, and any person who sends to sea a ship, as respects which an offence is committed under subsection (2) above shall, if party or privy to the offence, also be guilty of an offence under that subsection and liable accordingly.
- (4) Where a ship proceeding to sea in contravention of subsection (2) above takes to sea any of the following who is on board the ship in the execution of his duty, namely—
 - (a) any officer authorised by subsection (1) above to detain the ship, or
 - (b) any surveyor of ships,the owner and master of the ship shall each—
 - (i) be liable to pay all expenses of and incidental to the officer or surveyor being so taken to sea; and

Status: This is the original version (as it was originally enacted).

- (ii) be guilty of an offence.
- (5) A person guilty of an offence under subsection (4) above shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine.
- (6) Where under this Act a ship is to be detained an officer of customs and excise shall, and where under this Act a ship may be detained an officer of customs and excise may, refuse to clear the ship outwards or grant a transire to the ship.
- (7) When any provision of this Act provides that a ship may be detained until any document is produced to the proper officer of customs and excise the officer able to grant a clearance or transire of the ship is (unless the context otherwise requires) that officer.
- (8) Any reference in this section to proceeding to sea includes a reference to going on a voyage or excursion that does not involve going to sea, and references to sending or taking to sea shall be construed accordingly.