



Merchant Shipping Act 1995

1995 CHAPTER 21

PART I **U.K.**

BRITISH SHIPS

4 Penalty for carrying improper colours. **U.K.**

- (1) If any of the following colours, namely—
- (a) any distinctive national colours except—
 - (i) the red ensign,
 - (ii) the Union flag (commonly known as the Union Jack) with a white border, or
 - (iii) any colours authorised or confirmed under section 2(3)(b); or
 - (b) any colours usually worn by Her Majesty's ships or resembling those of Her Majesty, or
 - (c) the pendant usually carried by Her Majesty's ships or any pendant resembling that pendant,
- are hoisted on board any British ship without warrant from Her Majesty or from the Secretary of State, the master of the ship, or the owner of the ship (if on board), and every other person hoisting them shall be guilty of an offence.
- (2) A person guilty of an offence under subsection (1) above shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine.
- (3) If any colours are hoisted on board a ship in contravention of subsection (1) above, any of the following, namely—
- (a) any commissioned naval or military officer,
 - (b) any officer of customs and excise, and
 - (c) any British consular officer,
- may board the ship and seize and take away the colours.
- (4) Any colours seized under subsection (3) above shall be forfeited to Her Majesty.

Changes to legislation: Merchant Shipping Act 1995, Section 4 is up to date with all changes known to be in force on or before 04 July 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) [View outstanding changes](#)

(5) In this section “colours” includes any pendant.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 145(2)(a)(ia) inserted by [2003 c. 44 Sch. 36 para. 13\(2\)](#)
- s. 145(2)(a)(ia) words substituted by [2015 c. 2 Sch. 11 para. 16\(2\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 145(2)(a)(ia) by 2003 c. 44, Sch. 36 para. 13 is still prospective.)
- s. 145(2A) inserted by [2003 c. 44 Sch. 36 para. 13\(3\)](#)
- s. 145(2A) words substituted by [2015 c. 2 Sch. 11 para. 16\(3\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 145(2A) by 2003 c. 44, Sch. 36 para. 13 is still prospective.)