



Merchant Shipping Act 1995

1995 CHAPTER 21

PART IV

SAFETY

Unsafe ships

94 Meaning of “dangerously unsafe ship”.

(1) For the purposes of sections 95, 96, 97 and 98 a ship [^{F1}in port] is “dangerously unsafe” if, having regard to the nature of the service for which it is intended, the ship is, by reason of the matters mentioned in subsection (2) below, unfit to go to sea without serious danger to human life.

^{F2}[(1A) For the purposes of those sections a ship at sea is “dangerously unsafe” if, having regard to the nature of the service for which it is being used or is intended, the ship is, by reason of the matters mentioned in subsection (2) below, either—

- (a) unfit to remain at sea without serious danger to human life, or
- (b) unfit to go on a voyage without serious danger to human life.]

(2) Those matters are—

- (a) the condition, or the unsuitability for its purpose, of—
 - (i) the ship or its machinery or equipment, or
 - (ii) any part of the ship or its machinery or equipment;
- (b) undermanning;
- (c) overloading or unsafe or improper loading;
- (d) any other matter relevant to the safety of the ship;

and are referred to in those sections, in relation to any ship, as “the matters relevant to its safety”.

(3) Any reference in those sections to “going to sea” shall, in a case where the service for which the ship is intended consists of going on voyages or excursions that do

Status: Point in time view as at 20/12/2022. This version of this provision has been superseded.

Changes to legislation: Merchant Shipping Act 1995, Section 94 is up to date with all changes known to be in force on or before 04 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)

not involve going to sea, be construed as a reference to going on such a voyage or excursion.

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Textual Amendments

- F1** Words in s. 94(1) inserted (23.3.1997) by 1997 c. 28, s. 9, **Sch. 1 para. 1(2)**; S.I. 1997/1082, art. 2, **Sch.**
- F2** S. 94(1A) inserted (23.3.1997) by 1997 c. 28, s. 9, **Sch. 1 para. 1(3)**; S.I. 1997/1082, art. 2, **Sch.**

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