
STATUTORY INSTRUMENTS

2014 No. 1613

**The Merchant Shipping (Maritime Labour Convention)
(Minimum Requirements for Seafarers etc.) Regulations 2014**

PART 11

Inspection and detention of ships

Detention of ships

56.—(1) Where a relevant inspector has clear grounds for believing that—

- (a) a ship does not comply with these Regulations; and
- (b) (i) the conditions on board are clearly hazardous to the safety, health or security of seafarers; or
(ii) the non-compliance represents a serious breach or the latest in a series of repeated breaches of these Regulations or the requirements of the MLC (including the rights of seafarers referred to in Articles III and IV of the MLC which are secured by it),

that ship is liable to be detained.

(2) Where a relevant inspector has clear grounds for believing that—

- (a) the shipowner has failed to make provision in connection with which the Secretary of State has incurred costs under regulation 27; and
- (b) the Secretary of State has requested reimbursement of those costs but has not been reimbursed,

every ship which is owned by the shipowner is liable to be detained.

(3) Where a ship is detained under this regulation and all of the grounds for detention have ceased to apply, a person having power to detain the ship must, at the request of the shipowner or the master of the ship, immediately release the ship—

- (a) if no proceedings for an offence under these Regulations are instituted within the period of seven days beginning with the day on which the ship is detained;
- (b) if proceedings for an offence under these Regulations, having been instituted within that period, are concluded without the shipowner or master of the ship being convicted;
- (c) if either—
 - (i) the sum of £30,000 is paid to the Secretary of State by way of security; or
 - (ii) security which, in the opinion of the Secretary of State, is satisfactory and is for an amount not less than £30,000 is given to the Secretary of State,by or on behalf of the shipowner or the master of the ship;
- (d) where the shipowner or the master of the ship is convicted of an offence under these Regulations, if any costs or expenses ordered to be paid by that person, and any fine imposed on that person, have been paid; or

- (e) if the release is ordered by a court or tribunal referred to in article 292 of the United Nations Convention on the Law of the Sea⁽¹⁾, and any bond or other financial security ordered by such court or tribunal is posted.
- (4) The Secretary of State must repay any sum paid in pursuance of paragraph (3)(c) or release any security so given—
- (a) if no proceedings for an offence under these Regulations are instituted within the period of seven days beginning with the day on which the sum is paid or the security is given; or
 - (b) if proceedings for such an offence, having been instituted within that period, are concluded without the shipowner or the master of the ship being convicted.
- (5) Where a sum has been paid, or security has been given, by any person in pursuance of paragraph (3)(c) and the shipowner or the master of the ship is convicted of an offence under these Regulations, the sum so paid or the amount made available under the security must be applied as follows—
- (a) first in payment of any costs or expenses ordered by the court to be paid by the shipowner or the master of the ship; and
 - (b) next in payment of any fine imposed by the court,
- and any balance must be repaid to the first-mentioned person.
- (6) Section 145 of the Act (interpretation of references in section 144 to the institution of proceedings or their conclusion without conviction) applies for the purposes of paragraphs (3) and (4) as if—
- (a) references to the owner of a ship were to the shipowner under these Regulations; and
 - (b) references to an offence under section 131 were references to an offence under these Regulations.

(1) Cmnd. 8941.