
STATUTORY INSTRUMENTS

2015 No. 410

**The Merchant Shipping (Boatmasters' Qualifications,
Crew and Hours of Work) Regulations 2015**

PART 5

ENFORCEMENT

Detention of vessels

49.—(1) Where a person (a “relevant inspector”) mentioned in paragraph (a), (b) or (c) of section 258(1) of the Act⁽¹⁾ (powers to inspect ships and their equipment, etc) is satisfied that an offence under regulation 45, 46 or 47 is being committed in relation to any vessel, the vessel is liable to be detained.

(2) Where a vessel is liable to be detained under paragraph (1), the relevant inspector detaining it must serve on the master of the vessel a detention notice which—

- (a) states that the relevant inspector is of the opinion that an offence under regulation 45, 46 or 47 has been committed,
- (b) specifies the reasons for that opinion, and
- (c) prohibits the vessel from commencing a voyage until a relevant inspector is satisfied it can do so in circumstances where no such offence is committed.

(3) Sections 96⁽²⁾ and 97 of the Act (arbitration and compensation in connection with detention notices) apply in relation to a detention notice under paragraph (2) as they apply in relation to a detention notice under section 95 (power to detain dangerously unsafe ship) but with the following words omitted from section 96—

- (a) in subsection (1), “in pursuance of section 95(3)(b)”,
- (b) in subsection (3), “to whether the ship was or was not a dangerously unsafe ship”,
- (c) in subsection (5), “as a dangerously unsafe ship”.

(4) Where a vessel is liable to be detained under this regulation, section 284⁽³⁾ of the Act (enforcing detention of ship) has effect with the following modifications—

- (a) for subsection (1) there is substituted—

“(1) Where under the Merchant Shipping (Boatmasters' Qualifications, Crew and Hours of Work) Regulations 2015 a ship is liable to be detained a relevant inspector may detain the ship.”;

(1) Section 258(1) was amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), section 9 and Schedule 1, paragraph 4 and Schedule 7, part 1.

(2) Section 96 was amended by the Arbitration Act 1996 (c. 23), section 107(2) and Schedule 4; the Constitutional Reform Act 2005 (c. 4), section 59(5) and Schedule 11, Part 3, paragraph 5; and the Tribunals, Courts and Enforcement Act 2007 (c. 15), section 50 and Schedule 10, Part 1, paragraph 26.

(3) Section 284 was amended by the Merchant Shipping and Maritime Security Act 1997, section 9 and Schedule 1, paragraph 5.

- (b) in subsection (4), for the words from “any of the following” to “any surveyor of ships” there is substituted “any relevant inspector”;
- (c) subsections (6) and (7) are omitted; and
- (d) at the end there is inserted—
 - “(9) In this section, “relevant inspector” means any person mentioned in paragraph (a), (b) or (c) of section 258(1).”