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STATUTORY INSTRUMENTS

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**2023 No. 1216**

**The Merchant Shipping (Small Workboats  
and Pilot Boats) Regulations 2023**

**PART 3**

**Change of circumstances and offences**

**Detention of vessels**

**22.**—(1) Where a vessel does not comply with the requirements of these Regulations, that vessel is liable to be detained.

(2) Section 284(1) of the 1995 Act (enforcing detention of ship) applies where a vessel is liable to be detained under this regulation as if—

- (a) references to detention of a ship under the 1995 Act were references to detention of the vessel in question under this regulation, and
- (b) subsection (7) were omitted.

(3) Where a vessel is liable to be detained under this regulation the person detaining the vessel must serve on the master a detention notice which—

- (a) states the grounds for the detention, and
- (b) requires the terms of the notice to be complied with until the vessel is released by any person mentioned in section 284(1) of the 1995 Act.

(4) Subject to paragraph (5), section 96(2) and section 97 of the 1995 Act (references of detention notices to arbitration and compensation in connection with invalid detention of a ship) apply in relation to a detention notice issued pursuant to this regulation as they apply in relation to detention notices issued pursuant to section 95(3) of that Act (power to detain dangerously unsafe ship).

(5) For the purposes of paragraph (4)—

- (a) section 96 of the 1995 Act applies as if—
  - (i) subsection (3) were omitted,
  - (ii) the words “as a dangerously unsafe ship” in subsection (5) were omitted,
  - (iii) subsection (11) were omitted, and
- (b) sections 96 and 97 of the 1995 Act apply as if “the relevant inspector” means the person issuing the detention notice pursuant to this regulation.

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(1) Section 284 was amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), section 9 and Schedule 1 and by S.I. 2015/664.

(2) Section 96(7) was amended by the Tribunals, Courts and Enforcement Act 2007 (c. 15), section 50(6) and Schedule 10, paragraph 26 and by the Constitutional Reform Act 2005 (c. 4), section 59(5) and Schedule 11, paragraph 5. Section 96(10) was repealed by the Arbitration Act 1996 (c. 23), section 107(2) and Schedule 4.

(3) Section 95 was amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), section 9 and Schedule 1, paragraph 2.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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