



Merchant Shipping Act 1979

1979 CHAPTER 39

Inspectors

27 Powers of Department of Trade inspectors

- (1) An inspector appointed in pursuance of section 728 of the Merchant Shipping Act 1894—
- (a) may at any reasonable time (or, in a situation which in his opinion is or may be dangerous, at any time)—
 - (i) enter any premises in the United Kingdom, or
 - (ii) board any ship which is registered in the United Kingdom wherever it may be and any other ship which is present in the United Kingdom or the territorial waters of the United Kingdom,if he has reason to believe that it is necessary for him to enter the premises or board the ship for the purpose of performing his functions as such an inspector;
 - (b) may, on entering any premises by virtue of paragraph (a) above or on boarding a ship by virtue of that paragraph, take with him any other person authorised in that behalf by the Secretary of State and any equipment or materials required to assist him in performing the said functions;
 - (c) may make such examination and investigation as he considers necessary for the purpose of performing the said functions;
 - (d) may, as regards any premises or ship which he has power to enter or board, give a direction requiring that the premises or ship or any part of the premises or ship or any thing in the premises or ship or such a part shall be left undisturbed (whether generally or in particular respects) for so long as is reasonably necessary for the purposes of any examination or investigation under paragraph (c) above;
 - (e) may take such measurements and photographs and make such recordings as he considers necessary for the purpose of any examination or investigation under paragraph (c) above;
 - (f) may take samples of any articles or substances found in any premises or ship which he has power to enter or board and of the atmosphere in or in the vicinity of any such premises or ship ;

Status: This is the original version (as it was originally enacted).

- (g) may, in the case of any article or substance which he finds in any such premises or ship and which appears to him to have caused or to be likely to cause danger to health or safety, cause it to be dismantled or subjected to any process or test (but not so as to damage or destroy it unless that is in the circumstances necessary for the purpose of performing the said functions);
 - (h) may, in the case of any such article or substance as is mentioned in paragraph (g) above, take possession of it and detain it for so long as is necessary for all or any of the following purposes, namely—
 - (i) to examine it and do to it anything which he has power to do under that paragraph,
 - (ii) to ensure that it is not tampered with before his examination of it is completed,
 - (iii) to ensure that it is available for use as evidence in any proceedings for an offence under the Merchant Shipping Acts or under regulations made by virtue of any provision of those Acts;
 - (i) may require any person who he has reasonable cause to believe is able to give any information relevant to any examination or investigation under paragraph (c) above—
 - (i) to attend at a place and time specified by the inspector, and
 - (ii) to answer (in the absence of persons other than any persons whom the inspector may allow to be present and a person nominated to be present by the person on whom the requirement is imposed) such questions as the inspector thinks fit to ask, and
 - (iii) to sign a declaration of the truth of his answers;
 - (j) may require the production of, and inspect and take copies of or of any entry in.—
 - (i) any books or documents which by virtue of any provision of the Merchant Shipping Acts are required to be kept; and
 - (ii) any other books or documents which he considers it necessary for him to see for the purposes of any examination or investigation under paragraph (c) above;
 - (k) may require any person to afford him such facilities and assistance with respect to any matters or things within that person's control or in relation to which that person has responsibilities as the inspector considers are necessary to enable him to exercise any of the powers conferred on him by this subsection.
- (2) It is hereby declared that nothing in the preceding provisions of this section authorises a person unnecessarily to prevent a ship from proceeding on a voyage.
- (3) The Secretary of State may by regulations make provision as to the procedure to be followed in connection with the taking of samples under subsection (1)(f) above and subsection (6) below and provision as to the way in which samples that have been so taken are to be dealt with.
- (4) Where an inspector proposes to exercise the power conferred by subsection (1)(g) above in the case of an article or substance found in any premises or ship, he shall, if so requested by a person who at the time is present in and has responsibilities in relation to the premises or ship, cause anything which is to be done by virtue of that power to be done in the presence of that person unless the inspector considers that its being done in that person's presence would be prejudicial to the safety of that person.

- (5) Before exercising the power conferred by subsection (1)(g) above, an inspector shall consult such persons as appear to him appropriate for the purpose of ascertaining what dangers, if any, there may be in doing anything which he proposes to do under that power.
- (6) Where under the power conferred by subsection (1)(h) above an inspector takes possession of any article or substance found in any premises or ship, he shall leave there, either with a responsible person or, if that is impracticable, fixed in a conspicuous position, a notice giving particulars of that article or substance sufficient to identify it and stating that he has taken possession of it under that power; and before taking possession of any such substance under that power an inspector shall, if it is practicable for him to do so, take a sample of the substance and give to a responsible person at the premises or on board the ship a portion of the sample marked in a manner sufficient to identify it.
- (7) No answer given by a person in pursuance of a requirement imposed under subsection (1)(i) above shall be admissible in evidence against that person or the husband or wife of that person in any proceedings except proceedings in pursuance of subsection (1)(c) of the following section in respect of a statement in or a declaration relating to the answer; and a person nominated as mentioned in the said subsection (1)(i) shall be entitled, on the occasion on which the questions there mentioned are asked, to make representations to the inspector on behalf of the person who nominated him.