



Merchant Shipping Act 1984

1984 CHAPTER 5

PART I

IMPROVEMENT NOTICES AND PROHIBITION NOTICES

Service of notices by inspectors

1 Improvement notices

- (1) If an inspector is of the opinion that a person—
 - (a) is contravening one or more of the relevant statutory provisions, or
 - (b) has contravened one or more of those provisions in circumstances that make it likely that the contravention will continue or be repeated,he may serve on that person a notice under this section, referred to in this Part of this Act as an improvement notice.
- (2) An improvement notice shall—
 - (a) state that the inspector is of the said opinion, specify the relevant statutory provision or provisions as to which he is of that opinion, and give particulars of the reasons why he is of that opinion, and
 - (b) require the person on whom the notice is served to remedy the contravention in question or (as the case may be) the matters occasioning it within such period as may be specified in the notice.
- (3) The period specified in pursuance of subsection (2) (b) above shall not expire before the end of the period within which a notice can be given under section 4 below requiring questions relating to the improvement notice to be referred to arbitration.

2 Prohibition notices

- (1) If, as regards any relevant activities which are being or are about to be carried on on board any ship by or under the control of any person, an inspector is of the opinion

Status: This is the original version (as it was originally enacted).

that, as so carried on or as about to be so carried on, the activities involve or (as the case may be) will involve the risk of—

- (a) serious personal injury to any person (whether on board the ship or not), or
- (b) serious pollution of any navigable waters,

the inspector may serve on the first-mentioned person a notice under this section, referred to in this Part of this Act as a prohibition notice.

- (2) In subsection (1) above "relevant activities" means activities to or in relation to which any of the relevant statutory provisions apply or will, if the activities are carried on as mentioned in that subsection, apply.
- (3) A prohibition notice shall—
 - (a) state that the inspector is of the said opinion;
 - (b) specify the matters which in his opinion give or (as the case may be) will give rise to the said risk ;
 - (c) where in his opinion any of those matters involve or (as the case may be) will involve a contravention of any of the relevant statutory provisions, state that he is of that opinion, specify the provision or provisions as to which he is of that opinion, and give particulars of the reasons why he is of that opinion; and
 - (d) direct—
 - (i) that the activities to which the notice relates shall not be carried on by or under the control of the person on whom the notice is served, or
 - (ii) that the ship shall not go to sea, (or both of those things) unless the matters specified in the notice in pursuance of paragraph (b) above, and any associated contraventions of any provision so specified in pursuance of paragraph (c) above, have been remedied.
- (4) A direction given in pursuance of subsection (3)(d) above shall take immediate effect if the notice contains a statement to the effect that the inspector is of the opinion that the risk in question is or (as the case may be) will be imminent, and in any other case shall have effect at the end of a period specified in the notice

3 Supplementary provisions as to notices

- (1) An improvement notice or a prohibition notice may (but need not) include directions to the measures to be taken to remedy any contravention or matter to which the notice relates ; and any such directions may be amended so as to afford the person on whom the notice is served a choice between different ways of remedying the contravention or matter.
- (2) An improvement notice or a prohibition notice shall not direct any measures to be taken to remedy the contravention of any of the relevant statutory provisions that are more onerous than those necessary to secure compliance with that provision.
- (3) Where an improvement notice or a prohibition notice that is not to take immediate effect has been served—
 - (a) the notice may be withdrawn by an inspector at any time before the end of the period specified in it in pursuance of section 1(2)(b) or (as the case may be) section 2(4) above ; and
 - (b) the period so specified may be extended or further extended by an inspector at any time when a reference to arbitration in respect of the notice is not pending under section 4 below.