



Merchant Shipping Act 1995

1995 CHAPTER 21

PART XI

ACCIDENT INVESTIGATIONS AND INQUIRIES

Marine accident investigations

269 Re-hearing of and appeal from investigations.

- (1) Where a formal investigation has been held under section 268 the Secretary of State may order the whole or part of the case to be re-heard, and shall do so—
 - ^{F1}(a)
 - (b) if there appear to the Secretary of State to be ^{F2}... grounds for suspecting that a miscarriage of justice may have occurred.
- (2) An order under subsection (1) above may provide for the re-hearing to be as follows—
 - (a) if the investigation was held in England, Wales or Northern Ireland, by a wreck commissioner or by the High Court;
 - (b) if it was held in Scotland, by the sheriff or by the Court of Session.
- (3) Any re-hearing under this section which is not held by the High Court or the Court of Session shall be conducted in accordance with rules made under section 270(1); and section 268 shall apply in relation to a re-hearing of an investigation by a wreck commissioner or sheriff as it applies in relation to the holding of an investigation.
- (4) Where the wreck commissioner or sheriff holding the investigation has decided to cancel or suspend the certificate of any person or has found any person at fault, then, if no application for an order under subsection (1) above has been made or such an application has been refused, that person or any other person who, having an interest in the investigation, has appeared at the hearing and is affected by the decision or finding, may appeal—
 - (a) to the High Court if the investigation was held in England, Wales or Northern Ireland;
 - (b) to the Court of Session if it was held in Scotland.

Changes to legislation: Merchant Shipping Act 1995, Section 269 is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (5) Section 268(7) applies for the purposes of this section as it applies for the purposes of that section.

Textual Amendments

- F1** S. 269(1)(a) and word omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), **ss. 55(a)**, 115(3)(e)
- F2** Word in s. 269(1)(b) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), **ss. 55(b)**, 115(3)(e)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 145(2)(a)(ia) inserted by [2003 c. 44 Sch. 36 para. 13\(2\)](#)
- s. 145(2)(a)(ia) words substituted by [2015 c. 2 Sch. 11 para. 16\(2\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 145(2)(a)(ia) by 2003 c. 44, Sch. 36 para. 13 is still prospective.)
- s. 145(2A) inserted by [2003 c. 44 Sch. 36 para. 13\(3\)](#)
- s. 145(2A) words substituted by [2015 c. 2 Sch. 11 para. 16\(3\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 145(2A) by 2003 c. 44, Sch. 36 para. 13 is still prospective.)