



Merchant Shipping Act 1984

1984 CHAPTER 5

PART I

IMPROVEMENT NOTICES AND PROHIBITION NOTICES

Supplementary

6 Offences

- (1) Any person who contravenes any requirement imposed by an improvement notice shall be guilty of an offence and liable—
 - (a) on summary conviction to a fine not exceeding the statutory maximum or, as respects Northern Ireland, £1,000;
 - (b) on conviction on indictment, to a fine.
- (2) Any person who contravenes any prohibition imposed by a prohibition notice shall be guilty of an offence and liable—
 - (a) on summary conviction to a fine not exceeding the statutory maximum or, as respects Northern Ireland, £1,000;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both.
- (3) It shall be a defence for a person charged with an offence under this section to prove that he exercised all due diligence to avoid a contravention of the requirement or prohibition in question.
- (4) In this section any reference to an improvement notice or a prohibition notice includes a reference to any such notice as modified under section 4(3) above, and " statutory maximum " has the meaning given by section 74 of the Criminal Justice Act 1982.

7 Appointment of inspectors

- (1) The Secretary of State may appoint any person to be an inspector for the purposes of this Part of this Act.

Status: This is the original version (as it was originally enacted).

- (2) Every inspector appointed under section 728 of the Merchant Shipping Act 1894 shall be taken to be a person appointed under subsection (1) above.
- (3) Any person who is an inspector for the purposes of this Part of this Act and is not such an inspector as is mentioned in subsection (2) above shall, in connection with his functions under this Part, have the powers conferred on such an inspector by section 27 of the Merchant Shipping Act 1979.

8 Service of notices

- (1) Any notice authorised by this Part of this Act to be given to an inspector may be given by delivering it to him or by leaving it at, or sending it by post to, his office.
- (2) Any notice required or authorised by this Part to be served on a person other than an inspector may be served by delivering it to him, or by leaving it at his proper address, or by sending it by post to him at that address.
- (3) Any such notice may—
 - (a) in the case of a body corporate, be served on the secretary or clerk of that body ;
 - (b) in the case of a partnership, be served on a partner or a person having the control or management of the partnership business or, in Scotland, on the firm.
- (4) For the purposes of this section and of section 7 of the Interpretation Act 1978 (service of documents by post) in its application to this section, the proper address of any person on whom any such notice is to be served shall be his last known address, except that—
 - (a) in the case of a body corporate or their secretary or clerk it shall be the address of the registered or principal office of that body ;
 - (b) in the case of a partnership or a person having the control or the management of the partnership business, it shall be the principal office of the partnership;and for the purposes of this subsection the principal office of a company registered outside the United Kingdom or of a partnership carrying on business outside the United Kingdom shall be their principal office within the United Kingdom.
- (5) If the person to be served with any such notice has specified an address within the United Kingdom other than his proper address within the meaning of subsection (4) above as the one at which he or someone on his behalf will accept notices of the same description as that notice, that address shall also be treated for the purposes of this section and section 7 of the Interpretation Act 1978 as his proper address.
- (6) This section is without prejudice to any other lawful method of serving or giving a notice.

9 Application to hovercraft

The enactments with respect to which provision may be made by Order in Council in pursuance of section 1(1)(h) of the Hovercraft Act 1968 shall include this Part of this Act

10 Expenses of Secretary of State

Any expenses incurred by the Secretary of State in consequence of this Part of this Act shall be paid out of money provided by Parliament.

11 Interpretation of Part I

In this Part of this Act—

"contravention" includes failure to comply and "contravene " shall be construed accordingly ;

"improvement notice" means a notice under section 1 above;

" inspector " means an inspector appointed under section 7 above;

"prohibition notice" means a notice under section 2 above;

" the relevant statutory provisions " means—

- (a) the provisions of the Acts mentioned in Schedule 1 to this Act which are specified in the third column of that Schedule (while and to the extent to which they remain in force); and
- (b) the provisions of any instrument of a legislative character having effect under any of those provisions (whether made before or after the passing of this Act).