

Status: Point in time view as at 27/03/2007.

Changes to legislation: Merchant Shipping Act 1995, SCHEDULE 2 is up to date with all changes known to be in force on or before 15 July 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)

SCHEDULES

SCHEDULE 2 U.K.

Section 88.

REGULATIONS RELATING TO SUBMERSIBLE AND SUPPORTING APPARATUS

- 1 (1) In this Schedule “regulations” means regulations made under section 88 and “prescribed” means prescribed by regulations.
- (2) Nothing in this Schedule shall be taken to prejudice the generality of section 88.

Registration of submersible apparatus

- 2 Regulations made by virtue of section 88(2)(e) of this Act may make provision—
 - (a) for all matters relevant to the maintenance of a register of submersible apparatus,
 - (b) without prejudice to sub-paragraph (a) above, for the period for which any registration or exemption is to remain effective without renewal, the alteration or cancellation in any prescribed circumstances of registration or exemption or of any conditions attached thereto, the person by whom and manner in which applications in connection with any registration or exemption are to be made, and information and evidence to be furnished in connection with any such application,
 - (c) for the marking or other means of identification of any submersible apparatus,
 - (d) for the issue of certificates of registration or exemption, and the custody, surrender, production or display of the certificates or copies of them,
 - (e) for matters arising out of the termination of any registration or exemption, or any conditions attached thereto.

Offences

- 3 (1) Subject to sub-paragraph (2) below, regulations—
 - (a) may provide for the creation of offences and for their punishment on summary conviction or on conviction on indictment, and
 - (b) may afford, in respect of any description of offence created by the regulations, such defence (if any) as may be prescribed.
- (2) The punishment for an offence created by regulations shall be—
 - (a) on summary conviction, a fine not exceeding the statutory maximum,
 - (b) on conviction on indictment, imprisonment for a term not exceeding two years, or a fine, or both,but without prejudice to any further restriction contained in the regulations on the punishments which can be awarded and without prejudice to the exclusion by the regulations of proceedings on indictment.

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Exemptions from regulations

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- (1) The operation of any regulations may be excluded in whole or in part in relation to any class or description of submersible or supporting apparatus by regulations, or in relation to any particular apparatus by the direction of the Secretary of State given in such manner as he thinks appropriate.
 - (2) Any exemption or exclusion by regulations or by directions of the Secretary of State under this paragraph may be made subject to the imposition of conditions specified by the regulations or directions.
 - (3) Where, in pursuance of this paragraph, a person is exempted or excluded from the requirements of the provisions of regulations but subject to a condition, and the condition is not observed, the exemption or exclusion shall not have effect, and accordingly proceedings may be brought in respect of any offence created by the regulations.

General

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- Regulations—
- (a) may provide for their operation anywhere outside the United Kingdom and for their application to persons, whether or not Commonwealth citizens, and to companies, whether or not incorporated under the law of any part of the United Kingdom;
 - (b) may provide that in any proceedings for an offence under the regulations (other than proceedings to which sub-paragraph (c) below applies) an averment in any process of the fact that anything was done or situated within United Kingdom waters shall, until the contrary is proved, be sufficient evidence of that fact as stated in the averment;
 - (c) may provide that in any proceedings in Scotland for an offence under the regulations a statement in any complaint or indictment of any such fact as is mentioned in sub-paragraph (b) above shall, until the contrary is proved, be sufficient evidence of the fact as so stated;
 - (d) may provide that proceedings for an offence under the regulations may be taken, and the offence be treated for all incidental purposes as having been committed, in any place in the United Kingdom;
 - (e) may provide for any provisions of Part XI relating to inquiries and investigations into marine accidents to apply (with such modifications as may be specified) in relation to accidents involving any submersible apparatus which is not a ship as they apply to ships;
 - (f) may provide that specified provisions of any enactment (other than section 88 and this Schedule) shall, in such circumstances as may be prescribed, not have effect in relation to such class or description of, or to such particular, submersible or supporting apparatus as may be prescribed;
 - (g) may make different provision for different classes or descriptions of submersible or supporting apparatus and for different circumstances;
 - (h) may contain such supplemental and incidental provisions as appear to the Secretary of State to be expedient.

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