

## SCHEDULE 4

Regulation 10

### OFFENCES AND PENALTIES

**1.** In this Schedule—

- (a) a reference to a numbered regulation is to the regulation of that number in Chapter V, and
- (b) “owner” includes any person or organisation, including the manager or bareboat charterer, who has assumed responsibility for the operation of the ship from the owner.

#### **Offences and penalties**

**2.** If a ship, to which paragraph 3 of regulation 7 applies, proceeds or attempts to proceed on any voyage or excursion without complying with the requirement to carry on board a plan approved in accordance with paragraph 2 of Schedule 3 to these Regulations, the owner of the ship shall be guilty of an offence, punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years or a fine, or both.

**3.** Any contravention of paragraph 7 of regulation 10 in respect of a ship shall be an offence by the owner, the master of the ship and any other person for the time being responsible for the conduct of the ship, punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years or a fine, or both.

**4.** Any contravention of paragraph 7 of regulation 11 in respect of a ship shall be an offence by the master of the ship, and punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years or a fine, or both.

**5.** Any contravention of paragraph 2 or 3 of regulation 17 shall be an offence by the owner and the master of the ship, punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years or a fine, or both.

**6.** If a ship, to which regulation 19 or paragraph 1 of regulation 20 applies, proceeds or attempts to proceed on any voyage or excursion without complying with a requirement in—

- (a) regulation 19, or paragraph 1 of regulation 20, respectively, or
- (b) paragraph 1, 2, 3, 7 or 8 of regulation 18,

the owner and the master shall each be guilty of an offence, punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years or a fine, or both.

**7.** If a ship, to which regulation 21 applies, proceeds or attempts to proceed on any voyage or excursion without complying with a requirement in that regulation, the owner and master shall each be guilty of an offence punishable on summary conviction by a maximum fine of an amount not exceeding level 4 on the standard scale.

**8.** If a ship, to which paragraph 1 or 2 of regulation 22 applies, proceeds or attempts to proceed on any voyage or excursion without complying with paragraph 1 or 2 respectively, the owner and master shall each be guilty of an offence punishable on summary conviction by a maximum fine of an amount not exceeding level 5 on the standard scale.

**9.** In relation to a requirement in regulation 23 with which the owner, master or responsible officer of a ship is, under paragraph 6, 7 or 8 respectively of Schedule 3 to these Regulations, obliged to ensure compliance, any contravention in respect of the ship shall be an offence by that person punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years or a fine, or both.

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**10.** In relation to paragraph 4 of regulation 24, and paragraphs 1 and 2 of regulation 26, any person who is directed to do so but fails to carry out a check or test required under any of those paragraphs shall be guilty of an offence punishable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years or a fine, or both.

**11.** In relation to the requirement in paragraph 3.1 of regulation 26 with which the owner of a ship is, under paragraph 9(c) of Schedule 3 to these Regulations, obliged to ensure compliance, any contravention in respect of the ship shall be an offence by the owner, punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years or a fine, or both.

**12.** A contravention of any other requirement in regulation 24, 25 or 26 in respect of a ship shall be an offence by the master of the ship, punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years or a fine, or both.

**13.** If a ship, to which regulation 27 applies, proceeds or attempts to proceed to sea or on any voyage or excursion without complying with that regulation, the owner and the master shall each be guilty of an offence, punishable on summary conviction by a maximum fine of an amount not exceeding level 4 on the standard scale.

**14.** Any contravention of regulation 28 in respect of a ship shall be an offence by the master of the ship, punishable on summary conviction by a maximum fine of an amount not exceeding level 5 on the standard scale.

**15.** Any contravention of regulation 29 in respect of a ship shall be an offence by the owner and the master of the ship, punishable on summary conviction by a maximum fine of an amount not exceeding level 4 on the standard scale.

**16.** Any contravention of regulation 30 in respect of a ship shall be an offence by the owner of the ship, punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years or a fine, or both.

**17.** Any contravention of paragraph 1 of regulation 31 in respect of a ship shall be an offence by the master of the ship, punishable on summary conviction by a maximum fine of an amount not exceeding level 2 on the standard scale.

**18.** Any contravention of paragraph 1 or 2 of regulation 33 in respect of a ship shall be an offence by the master of the ship, punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years or a fine, or both.

**19.** If a ship, to which paragraphs 1 and 2 of regulation 34 apply, proceeds or attempts to proceed to sea without complying with a requirement in either of those paragraphs, the master shall be guilty of an offence, punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years or a fine, or both.

**20.** Any contravention of paragraph 3 of regulation 34 in respect of a ship shall be an offence by the person concerned, punishable on summary conviction by a fine not exceeding the statutory maximum and on conviction on indictment by imprisonment for a term not exceeding two years or a fine, or both.

## **Defences**

**21.** In relation to paragraph 7 of regulation 10 in Chapter V, it shall be a defence to show that there were compelling reasons not to use a particular mandatory ships' routeing system and that such reasons were recorded in the ship's log-book at the time.

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**22.** In relation to any other offence under these Regulations, it shall be a defence for a person charged under these Regulations to show that he took all reasonable steps to avoid the commission of the offence.

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- Sch. 4 para. 20 words substituted by [S.I. 2011/2978 reg. 2\(5\)\(b\)](#)
- Regulations applied by [S.I. 2010/332 reg. 5\(3\)\(e\)](#)
- Regulations excluded by SI 1998/2771 Sch. 1 Table (as substituted) by [S.I. 2016/353 reg. 3\(1\)Sch. 1](#)
- Regulations excluded by SI 1998/2771 Sch. 2 Table (as substituted) by [S.I. 2016/353 reg. 3\(2\)Sch. 2](#)
- Regulations revoked by [S.I. 2020/673 Sch. Pt. 2](#)

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

- Order excluded by S.I. 1998/1609 Sch. Table (as substituted) by S.I. 2016/354 reg. 4 Sch. by [S.I. 2016/354 Sch. Table](#)

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

- Sch. 4 para. 6A inserted by [S.I. 2011/2978 reg. 2\(5\)\(a\)](#)
- reg. 4(2)(d)-(e) substituted by [S.I. 2010/1075 Sch. 2](#)
- reg. 4(2A)(2B) inserted by [S.I. 2004/2110 Sch. 3 para. 4](#)
- reg. 4(5A) inserted by [S.I. 2004/2110 Sch. 3 para. 6](#)
- reg. 4(6A) inserted by [S.I. 2004/2110 Sch. 3 para. 7](#)
- reg. 12 inserted by [S.I. 2011/2978 reg. 2\(4\)](#)