



# Mineral Workings (Offshore Installations) Act 1971

## 1971 CHAPTER 61

### 9 Offences: general provisions

- (1) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

In this subsection "director", in relation to a body corporate established by or under any enactment for the purpose of carrying on under public ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

- (2) In proceedings for an offence under this Act an averment in any process of the fact that anything was done or situated within waters to which this Act applies shall, until the contrary is proved, be sufficient evidence of that fact as stated in the averment.
- (3) In proceedings for an offence under section 3, section 4 or section 5 of this Act, it shall be a defence for the accused to prove—
- (a) that he has used all due diligence to enforce the execution of this Act, and of any relevant regulation made under this Act, and
  - (b) that any relevant contravention was committed without his consent, connivance or wilful default.
- (4) Proceedings for any offence under this Act may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.
- (5) A constable shall on any offshore installation in waters to which this Act applies have all the powers, protection and privileges which he has in the area for which he acts as constable.

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*Status: This is the original version (as it was originally enacted).*

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This subsection is without prejudice to any other enactment or rule of law affording any power, protection or privilege to constables.