



Merchant Shipping Act 1979

1979 CHAPTER 39

Offences

42 Alteration of time for certain summary prosecutions.

- (1) Subsection (1) of section 683 of the ^{M1}Merchant Shipping Act 1894 (which prevents convictions in summary proceedings in the United Kingdom for certain offences unless the proceedings are begun within the times limited by that subsection) shall not apply to summary proceedings for an indictable offence; . . . ^{F1}.
- (2) The said subsection (1) shall not prevent a conviction for an offence in summary proceedings begun before the expiration of three years beginning with the date on which the offence was committed and before—
 - (a) the expiration of the period of six months beginning with the day when evidence which the Secretary of State considers is sufficient to justify a prosecution for the offence came to his knowledge; or
 - (b) the expiration of two months beginning with the day when the accused was first present in the United Kingdom after the expiration of the period mentioned in the preceding paragraph if throughout that period the accused was absent from the United Kingdom.
- (3) For the purposes of the preceding subsection—
 - (a) a certificate of the Secretary of State stating that evidence came to his knowledge on a particular day shall be conclusive evidence of that fact; and
 - (b) a document purporting to be a certificate of the Secretary of State and to be signed on his behalf shall be presumed to be such a certificate unless the contrary is proved.
- (4) [^{F2}Section 127(2)–(4) of the Magistrates' Courts Act 1980] (which among other things contains a provision for England and Wales which corresponds to the first provision in subsection (1) of this section) shall not apply to an offence under the Merchant Shipping Acts; but nothing in the preceding provisions of this section, except subsection (1), applies to an offence committed before this section comes into force.

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1979, Section 42. (See end of Document for details)

(5) In the application of this section to Scotland—

- (a) in subsection (2)(a) for the words from “Secretary” to “knowledge” there shall be substituted the words “Lord Advocate considers is sufficient to justify a prosecution for the offence came to his knowledge, or, where such evidence is reported to him by the Secretary of State, the expiration of the period of six months beginning with the day when it came to the knowledge of the Secretary of State”;
- (b) in subsection (3)(a) and (b) for the words “Secretary of State” there shall be substituted the words “Lord Advocate or the Secretary of State, as the case may be.”.

Textual Amendments

F1 Words amend [Merchant Shipping Act 1894 \(c. 60\), s. 683\(1\)](#)

F2 Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\), s. 155\(7\), Sch. 7 para. 186](#)

Marginal Citations

M1 [1894 c. 60.](#)

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