



Criminal Justice Act 1982

1982 CHAPTER 48

PART III

FINES ETC.

Shipping and oil pollution

49 Fines for certain offences under Merchant Shipping Acts and Prevention of Oil Pollution Act 1971

- (1) Where a provision of the Merchant Shipping Acts 1894 to 1979 or the Prevention of Oil Pollution Act 1971—
- (a) makes a person guilty of an offence triable either summarily or on indictment liable on summary conviction to a fine not exceeding £1,000 ; or
 - (b) confers power by subordinate instrument to make a person liable to a fine not exceeding £1,000 on summary conviction of an offence triable either summarily or on indictment,
- the reference to £1,000 shall be construed as a reference to the statutory maximum.
- (2) In section 20 of the Merchant Shipping Act 1979 (prevention of pollution from ships etc.)—
- (a) the following paragraphs shall be substituted for paragraph (f) of subsection (3)—
 - “(f) that a contravention of a provision made by or under the Order shall be 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 and a fine;
 - (fa) that any such contravention shall be an offence punishable only on summary conviction by a maximum fine of an amount not exceeding level 5 on the standard scale, as defined in section 75 of the Criminal Justice Act 1982, or such less amount as is prescribed by the Order;”

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- (b) in the words following paragraph (g), " neither paragraph (f) nor paragraph (fa) shall" shall be substituted for " paragraph (f) shall not " ;
- (c) the following subsection shall be inserted after subsection (3)—
 - “(3A) Section 74 of the Criminal Justice Act 1982 (construction of references to " statutory maximum ") shall have effect for the purposes of paragraph (f) of the preceding subsection as if that paragraph were contained in that Act.”; and
- (d) the following subsections shall be added after subsection (6)—
 - “(7) For the purposes of subsection (3)(f) of this section—
 - (a) section 32 of the Magistrates' Courts Act 1980 (by virtue of which there is a prescribed sum as the statutory maximum fine on summary conviction of an offence triable either summarily or on indictment);
 - (b) an order under section 143 of that Act (which alters the definition of " the prescribed sum " in section 32(9)); and
 - (c) section 74 of the Criminal Justice Act 1982 (construction of references to " statutory maximum "),
 shall extend to Northern Ireland.
 - (8) For the purposes of subsection (3)(b) of this section—
 - (a) section 37 of the Criminal Justice Act 1982 (the standard scale of fines for summary offences); and
 - (b) an order under section 143 of the Magistrates' Courts Act 1980 which alters the sums specified in section 37(2) of the Criminal Justice Act 1982,
 shall extend to Northern Ireland.”.
- (3) In section 21 of that Act (safety and health on ships)—
 - (a) in subsection (6)—
 - (i) the following paragraphs shall be substituted for paragraph (b)—
 - “(b) that a contravention of the regulations shall be 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 and a fine;
 - (ba) that any such contravention shall be an offence punishable only on summary conviction by a maximum fine of an amount not exceeding level 5 on the standard scale, as defined in section 75 of the Criminal Justice Act 1982, or such less amount as is prescribed by the regulations;
 - (bb) that, in such cases as are prescribed by the regulations, such persons as are so prescribed shall each be guilty of an offence created by virtue of paragraph (b) or (ba) of this subsection ;”;
 - (ii) the following paragraph shall be substituted for paragraph (c)—
 - “(c) that, notwithstanding anything in paragraph (b) or (ba) of this subsection, a person convicted summarily of an offence under the regulations of a kind which is

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stated by the regulations to correspond to an offence which is triable either summarily or on indictment under an enactment specified in the regulations which authorises or authorised a fine on summary conviction of a maximum amount exceeding the statutory maximum shall be liable to a fine not exceeding that maximum amount.”; and

(b) the following subsections shall be added after that subsection—

“(7) For the purposes of subsection (6)(b) and (c) above—

- (a) section 32 of the Magistrates' Courts Act 1980 (by virtue of which there is a prescribed sum as the statutory maximum fine on summary conviction of an offence triable either summarily or on indictment);
- (b) an order under section 143 of that Act (which alters the definition of " the prescribed sum " in section 32(9)); and
- (c) section 74 of the Criminal Justice Act 1982 (construction of references to " statutory maximum "),

shall extend to Northern Ireland.

(8) For the purposes of subsection (6) (ba) above—

- (a) section 37 of the Criminal Justice Act 1982 (the standard scale of fines for summary offences); and
- (b) an order under section 143 of the Magistrates' Courts Act 1980 which alters the sums specified in section 37(2) of the Criminal Justice Act 1982,

shall extend to Northern Ireland.”.

(4) The paragraphs substituted for section 20(3)(f) of the Merchant Shipping Act 1979 by subsection (2) above, together with the words substituted by paragraph (b) of that subsection and the paragraphs substituted for section 21(6)(b) and (c) of that Act by subsection (3) above shall be deemed always to have had effect.