



Merchant Shipping and Maritime Security Act 1997

1997 CHAPTER 28

Pollution control and marine safety

11 Ships receiving trans-shipped fish.

After section 100E of the 1995 Act (which is inserted by section 10 of this Act) there is inserted—

“100F Requirements to be met by ships in respect of which trans-shipment licences in force.

- (1) In this section and section 100G “trans-shipment licence” means a licence under section 4A of the ^MSea Fish Conservation Act 1967 (prohibition of trans-shipment of fish unless authorised by a licence).
- (2) The Secretary of State may, for all or any of the purposes specified in subsection (3) below, by regulations prescribe requirements to be met by ships in respect of which trans-shipment licences are in force.
- (3) Those purposes are—
 - (a) the purpose of securing the safety of ships in respect of which trans-shipment licences are in force and persons on them,
 - (b) the purpose of protecting the health of persons on such ships,
 - (c) the purpose of securing the safety of any other persons or property, and
 - (d) the purpose of preventing or reducing pollution.
- (4) The matters with respect to which requirements may be prescribed under subsection (2) above include, in particular, the construction and equipment of ships, the manning of ships, and operational matters.
- (5) Without prejudice to the generality of subsection (2) above, regulations under that subsection may apply in relation to a ship in respect of which a trans-shipment licence is in force any requirements contained in—

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- (a) safety regulations,
- (b) regulations under section 128, or
- (c) any international agreement,

whether or not those requirements would otherwise apply in relation to that ship.

100G Failure to comply with prescribed standards in respect of ship in respect of which trans-shipment licence is in force.

- (1) If it appears to the Secretary of State that any requirement of regulations under section 100F(2) or regulations under section 192A is being contravened in respect of a ship in respect of which a trans-shipment licence is in force, he may serve on the master a notice under subsection (2) below.
- (2) A notice under this subsection must specify the contravention by reason of which it is given and must—
 - (a) prohibit the receiving by the ship of fish trans-shipped from another ship,
 - (b) prohibit the processing of fish on the ship, or
 - (c) prohibit both such receiving and such processing.
- (3) The Secretary of State shall revoke a notice under subsection (2) above if he is satisfied that the contravention specified in it has been remedied.
- (4) If a trans-shipment licence ceases to be in force in respect of a ship to which a notice under subsection (2) above relates, the notice is revoked by virtue of this subsection.
- (5) If without reasonable excuse the master of a ship causes or permits any prohibition imposed by a notice under subsection (2) above to be contravened in respect of the ship, he shall be liable—
 - (a) on summary conviction, to a fine not exceeding £50,000;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both.
- (6) The obligation imposed by regulations under section 100F(2) shall not be enforceable except in accordance with this section, but this subsection does not limit the powers conferred by section 258.”

Marginal Citations

M1 1967 c. 84.

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