



Seafarers Wages Act 2023

2023 CHAPTER 8

Enforcement powers

12 Provision of information by operators

- (1) The Secretary of State may by notice require the operator of a service to which this Act applies to provide information to the Secretary of State for the purpose of—
 - (a) establishing whether the service is or at any time was being operated consistently with an equivalence declaration provided by the operator, or
 - (b) establishing whether an equivalence declaration provided by the operator is false or misleading in so far as it concerns the operation of the service before the declaration was provided.
- (2) The information referred to in subsection (1) may in particular include—
 - (a) information relating to the service;
 - (b) information relating to persons working on ships providing the service and their remuneration.
- (3) Subsection (1) does not require an operator to provide information to the extent that doing so would cause the operator to breach the data protection legislation or the data protection laws of any country or territory outside the United Kingdom (but in determining whether providing information would cause the operator to breach that legislation or those laws, the requirement imposed by subsection (1) is to be taken into account).
- (4) A notice under subsection (1) may require the information to be provided in a manner, and within a period, specified in the notice.
- (5) The operator of a service to which this Act applies is guilty of an offence if the operator—
 - (a) fails to provide, in the manner and within the period specified under subsection (4), information required by the Secretary of State under this section,
 - (b) provides information so required that is false or misleading, or

- (c) provides information so required that becomes false or misleading and fails to inform the Secretary of State within four weeks that it has become so.
- (6) A person guilty of an offence under subsection (5) is liable on summary conviction—
- (a) in England and Wales, to a fine, or
 - (b) in Scotland and Northern Ireland, to a fine not exceeding level 5 on the standard scale.

13 Provision of information by harbour authorities

- (1) The Secretary of State may by notice require a harbour authority to provide information to the Secretary of State for the purpose of establishing whether, or to what extent, the authority is complying with its duties under this Act.
- (2) The information referred to in subsection (1) may in particular include information about—
- (a) the services provided by ships that use the harbour,
 - (b) equivalence declarations requested by, or provided to, the harbour authority,
 - (c) surcharges imposed or received by the harbour authority, and
 - (d) decisions by the harbour authority to refuse or not refuse access to its harbour pursuant to section 11.
- (3) Subsection (1) does not require a harbour authority to provide information to the extent that doing so would cause the authority to breach the data protection legislation (but in determining whether providing information would cause the authority to breach that legislation, the requirement imposed by subsection (1) is to be taken into account).
- (4) A notice under subsection (1) may require the information to be provided in a manner, and within a period, specified in the notice.
- (5) A harbour authority is guilty of an offence if it—
- (a) fails to provide, in the manner and within the period specified under subsection (4), information required by the Secretary of State under this section,
 - (b) provides information so required that is false or misleading, or
 - (c) provides information so required that becomes false or misleading and fails to inform the Secretary of State within four weeks that it has become so.
- (6) A harbour authority guilty of an offence under subsection (5) is liable on summary conviction—
- (a) in England and Wales, to a fine, or
 - (b) in Scotland and Northern Ireland, to a fine not exceeding level 5 on the standard scale.

14 Inspections

- (1) A person appointed by the Secretary of State (an “inspector”) may at any reasonable time for the purposes specified in subsection (2)—
- (a) board a ship in a harbour in the United Kingdom, or
 - (b) enter any premises.
- (2) The purposes are—

- (a) establishing whether a service to which this Act applies is or at any time was being operated consistently with an equivalence declaration,
 - (b) establishing whether an equivalence declaration is false or misleading in so far as it concerns the operation of a service before the declaration was provided,
 - (c) verifying any information provided under section 12,
 - (d) establishing whether, or to what extent, a harbour authority is complying with its duties under this Act, or
 - (e) verifying any information provided by a harbour authority under section 13.
- (3) A person may be appointed under subsection (1) generally or in a particular case.
- (4) An inspector boarding a ship or entering premises under subsection (1) may—
- (a) make such inspection as the inspector considers necessary;
 - (b) be accompanied by any other person authorised for the purpose by the Secretary of State (generally or in a particular case);
 - (c) require any person whom the inspector has reasonable cause to believe is able to give any information relevant to the purposes referred to in subsection (2)—
 - (i) to answer such questions as the inspector thinks fit to ask, and
 - (ii) to sign a statement that the answers are true;
 - (d) require the production of, and inspect and take copies of, any document the inspector considers relevant;
 - (e) require any person on the ship or in the premises to afford the inspector such facilities and assistance with respect to any matters or things within that person's control or in relation to which that person has responsibilities as the inspector considers are necessary.
- (5) A person may under subsection (4)(c) be required to answer questions—
- (a) at the time of the inspection or subsequently at a time and place specified by the inspector;
 - (b) alone except for—
 - (i) any persons whom the inspector may allow to be present, and
 - (ii) one person nominated by the person on whom the requirement is imposed.
- (6) The power to require the provision of a document under subsection (4)(d) includes power to require the provision in a legible format of any information held in electronic form.
- (7) A person commits an offence if the person—
- (a) intentionally obstructs an inspector in the exercise of the inspector's powers under this section,
 - (b) fails without reasonable excuse to comply with a requirement imposed under this section or prevents another person from complying with such a requirement, or
 - (c) makes a statement which the person knows is false or misleading, or recklessly makes a statement which is false or misleading, in purported compliance with a requirement imposed under this section.
- (8) A person guilty of an offence under subsection (7) is liable on summary conviction—
- (a) in England and Wales, to a fine, or

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

- (b) in Scotland and Northern Ireland, to a fine not exceeding level 5 on the standard scale.

15 Prosecution of offences

In England and Wales and Northern Ireland, proceedings relating to offences under this Act may be instituted and carried on by the Secretary of State.