



Seafarers Wages Act 2023

2023 CHAPTER 8

National minimum wage equivalence declarations

PROSPECTIVE

5 Offence of operating service inconsistently with declaration

- (1) The operator of a service to which this Act applies is guilty of an offence if—
 - (a) the operator provides a harbour authority with an equivalence declaration in respect of the service for a relevant year, and
 - (b) subsection (2), (3) or (4) applies.
- (2) This subsection applies if the equivalence declaration is provided before the beginning of the relevant year and—
 - (a) the service is operated inconsistently with the declaration at the beginning of the relevant year, or
 - (b) at any later time during the relevant year the service starts to be operated inconsistently with the declaration and the operator fails to notify the harbour authority within four weeks of—
 - (i) the fact that the service has started to be so operated, and
 - (ii) the time when it started to be so operated.
- (3) This subsection applies if the equivalence declaration is provided during the relevant year and—
 - (a) at the time the declaration is provided the service is being operated inconsistently with the declaration, or
 - (b) at any later time during the relevant year the service starts to be operated inconsistently with the declaration and the operator fails to notify the harbour authority within four weeks of—
 - (i) the fact that the service has started to be so operated, and
 - (ii) the time when it started to be so operated.

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Seafarers Wages Act 2023, Section 5. (See end of Document for details)

- (4) This subsection applies if the equivalence declaration is provided during or after the end of the relevant year and it is false or misleading in so far as it concerns the operation of the service before the declaration was provided.
- (5) A person guilty of an offence under this section 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.

Commencement Information

- II** S. 5 not in force at Royal Assent, see [s. 20](#)

Status:

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Changes to legislation:

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