
STATUTORY INSTRUMENTS

1998 No. 1609

**The Merchant Shipping (Small Workboats
and Pilot Boats) Regulations 1998**

PART IV

COMMON PROVISIONS

Equivalent standards

8.—(1) Where these Regulations or the Code of Practice require that a particular piece of equipment or machinery shall be provided or carried in a vessel to which these Regulations apply or that any particular provision shall be made, the Secretary of State may permit any other piece of equipment or machinery to be provided or carried, or any other provision to be made, if he is satisfied by trials thereof or otherwise that such other piece of equipment or machinery or provision is at least as effective as that required by these Regulations or the Code of Practice.

(2) For the purposes of these Regulations, the results of verifications and tests carried out by the bodies and laboratories of other EEA States offering suitable and satisfactory guarantees of technical and professional competence and independence shall be accepted.

Penalties

9.—(1) Contravention of any provision of regulation 5 above shall be an offence by the owner and the master of the vessel punishable on summary conviction by a fine not exceeding the statutory maximum, or on conviction on indictment by imprisonment for a term not exceeding two years or a fine, or both.

(2) Subject to paragraph (3) below, contravention of any provision of regulation 6 above in respect of a pilot boat shall be an offence by the competent harbour authority, the owner and the master of the boat punishable on summary conviction by a fine not exceeding level 4 on the standard scale.

(3) Any contravention of regulation 6(2)(d) above in respect of a pilot boat shall be an offence by the competent harbour authority, the owner and the master of the boat punishable on summary conviction by a fine not exceeding level 3 on the standard scale.

(4) In any proceedings for an offence under these Regulations it shall be a defence for the person charged to prove that he took all reasonable steps to avoid commission of the offence.

Power to detain

10. In any case where a vessel does not comply with the requirements of these Regulations, that vessel shall be liable to be detained and section 284(1)–(6) and (8) of the Merchant Shipping Act 1995⁽¹⁾ (which relates to the detention of a ship) shall have effect in relation to the vessel, as if for the words “this Act” wherever they appear, there were substituted the words “the Merchant Shipping (Small Workboats and Pilot Boats) Regulations 1998”.

(1) Section 284 was amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), Schedule 1.

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