
STATUTORY INSTRUMENTS

1999 No. 3210

**The Merchant Shipping (Radio)
(Fishing Vessels) Regulations 1999**

PART IV

ENFORCEMENT

Power to detain

27.—(1) Subject to paragraph (2) below, in any case where a fishing vessel, to which Part II or III of these Regulations applies, does not comply with the requirements of these Regulations, the fishing vessel shall be liable to be detained and section 284 of the Merchant Shipping Act 1995 ^{M1} (which relates to the detention of a ship) shall have effect in relation to the fishing vessel as if for the words “this Act”, wherever they appear, there were substituted the words “the Merchant Shipping (Radio) (Fishing Vessels) Regulations 1999”.

(2) A fishing vessel shall not be detained in a port where repair facilities are not readily available by reason of malfunction of the equipment for providing general radio communications, if the fishing vessel is capable of performing all distress and safety functions.

Marginal Citations

M1 Section 284 was amended by the Merchant Shipping and Maritime Security Act 1997, Schedule 1, paragraph 5.

Penalties

28.—(1) If a person nominated under regulation 17(9)(a) of these Regulations contravenes any provision of these Regulations imposing a duty on him, he shall be guilty of an offence punishable on summary conviction by a fine of an amount not exceeding level 2 on the standard scale; and if any person, being the owner or skipper of the fishing vessel, permits such a contravention, he shall be guilty of 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.

(2) If these Regulations are contravened in any other respect in relation to any fishing vessel, the owner and skipper of the fishing vessel shall each be guilty of 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.

Defence

29. It shall be a defence for a person charged under these Regulations to show that he took all reasonable precautions to avoid the commission of the offence.

Changes to legislation:

There are currently no known outstanding effects for the The Merchant Shipping (Radio) (Fishing Vessels) Regulations 1999, PART IV.