
STATUTORY INSTRUMENTS

2003 No. 1809

**The Merchant Shipping and Fishing Vessels (Port
Waste Reception Facilities) Regulations 2003**

Offences and penalties

18.—(1) Any harbour authority or terminal operator which fails to comply with—

- (a) any requirement of regulation 4 in relation to the provision of waste reception facilities;
- (b) any requirement of regulation 6 or 7 to prepare a waste management plan or to submit such a plan to the Secretary of State for approval; or
- (c) any direction given under regulation 5 or 10 in relation to the provision of waste reception facilities or the implementation of a waste management plan,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

(2) Any master who fails to comply with—

- (a) any requirement of regulation 11(2), (3), (5) or (6);
- (b) the requirement under regulation 12(1);
- (c) any direction given under regulation 12(3); or
- (d) the requirement under regulation 16(1),

shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

(3) Where the master of a ship, in complying with regulation 11(2) or (3), notifies information which is false in a material particular, the owner of that ship and the master shall each be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

(4) Where there is a contravention of—

- (a) any requirement of regulation 11(2), (3), (5) or (6);
- (b) the requirement under regulation 12(1);
- (c) any direction given under regulation 12(3); or
- (d) the requirement under regulation 16(1),

in respect of a ship the owner of that ship shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

(5) In any proceedings for an offence under these Regulations it shall be a defence for the defendant to show that all reasonable steps had been taken by him to avoid committing the offence.

Changes to legislation:

There are currently no known outstanding effects for the The Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003, Section 18.