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STATUTORY INSTRUMENTS

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**2017 No. 825**

**The Merchant Shipping (Monitoring, Reporting and Verification of Carbon Dioxide Emissions) and the Port State Control (Amendment) Regulations 2017**

**Penalties**

- 5.—(1) A company <sup>M1</sup> is guilty of an offence if—
- (a) a ship enters or leaves a port in contravention of regulation 4(1); or
  - (b) anyone attempts to navigate that ship into or out of a port in contravention of that regulation; or
  - (c) the document of compliance is not carried on board the ship in contravention of regulation 4(2).
- (2) The company guilty of an offence under paragraph (1) is liable—
- (a) on summary conviction—
    - (i) in England and Wales to a fine; or
    - (ii) in Scotland or Northern Ireland to a fine not exceeding the statutory maximum; or
  - (b) on conviction on indictment to a fine.
- (3) A master who fails to comply with regulation 4(3) is guilty of an offence and is liable on summary conviction—
- (a) in England and Wales to a fine; or
  - (b) in Scotland or Northern Ireland to a fine not exceeding the statutory maximum.
- (4) Any document required or authorised by virtue of any statutory provision to be served on a foreign company for the purposes of or the institution of (or otherwise in connection with the institution of) proceedings for an offence under this regulation against the company as owner of the ship is to be treated as served on the company if the document is served on the master of the ship.
- (5) In this regulation foreign company means a company or body which is not one to which section 1139 of the Companies Act 2006 <sup>M2</sup> applies so as to authorise the service of the document in question.

**Marginal Citations**

**M1** A company is defined in article 3(d) of the 2015 Regulation as the shipowner or any other organisation or person such as the manager or the bareboat charterer which has assumed responsibility for the operation of the ship from the shipowner.

**M2** 2006 c. 46.

**Changes to legislation:**

There are currently no known outstanding effects for the The Merchant Shipping (Monitoring, Reporting and Verification of Carbon Dioxide Emissions) and the Port State Control (Amendment) Regulations 2017, Section 5.