
STATUTORY INSTRUMENTS

2018 No. 1122

The Ship Recycling (Requirements in relation to Hazardous Materials on Ships) (Amendment etc.) Regulations 2018

Inspectors: detention of certain ships and offences

12.—(1) The Secretary of State may appoint any person as an inspector—

- (a) for the purposes of regulation 8; or
- (b) to investigate whether an offence under regulation 9 or 10 has been committed.

(2) An inspector appointed under paragraph (1) has the powers available to an inspector under section 259(2) of the 1995 Act, and subsections (7), and (9) to (12), of section 259 apply to the exercise of those powers.

(3) For the purposes of paragraph (2), section 259(2)(h)(iii) (articles or substances detained as evidence) applies as if these Regulations were an instrument made under the 1995 Act.

(4) A person (P) commits an offence if P—

- (a) intentionally obstructs an inspector in the exercise of any power available to the inspector by virtue of paragraph (2);
- (b) without reasonable excuse, does not comply with a requirement imposed in pursuance of section 259(2) as applied by paragraph (2) or prevents another person from complying with such a requirement; or
- (c) without prejudice to the generality of sub-paragraph (b), makes a statement or signs a declaration which P knows is false, or recklessly makes a statement or signs a declaration which is false, in purported compliance with a requirement imposed in pursuance of section 259(2)(i) of the 1995 Act, as applied by paragraph (2).

(5) A person who commits an offence under paragraph (4) is liable—

- (a) on summary conviction—
 - (i) in England and Wales, to a fine;
 - (ii) in Scotland or Northern Ireland, to a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both;

(6) Nothing in section 259(2) as applied by paragraph (2) is to be taken to compel the production by any person of a document of which that person would on grounds of legal professional privilege be entitled to withhold production on an order for discovery in an action in the High Court or, as the case may be, on an order for the production of documents in an action in the Court of Session.

(7) Any Regulations made under section 259(8) or 260(3) of the 1995 Act and amended from time to time apply for the purposes of the provisions of section 259 as applied by paragraph (2) as they apply for the purposes of the 1995 Act.