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STATUTORY INSTRUMENTS

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**2020 No. 94**

**The Merchant Shipping (Ship-to-Ship Transfers) Regulations 2020**

**Offences**

**12.**—(1) If a cargo transfer or bunkering operation is carried out in contravention of these Regulations, the owner, the manager and the master of each ship carrying out the cargo transfer or bunkering operation is guilty of an offence.

(2) A harbour authority which—

- (a) authorises a cargo transfer without an oil transfer licence;
- (b) fails to take all reasonable steps to prevent a cargo transfer, in the harbour authority waters of that harbour authority, which is prohibited under regulation 5 (cargo transfers within harbour authority waters); or
- (c) knowingly or recklessly provides false information in—
  - (i) an OTL application;
  - (ii) an application for an amended oil transfer licence under regulation 8(2) (oil transfer licences); or
  - (iii) an application for an amended oil transfer licence under regulation 9(2) (transitional provisions),

is guilty of an offence.

(3) A person who knowingly or recklessly provides false information to the Secretary of State in relation to an application for an exemption under regulation 11 (exemptions) is guilty of an offence.

(4) A person guilty of an offence under this regulation is liable—

- (a) on summary conviction in England and Wales, to a fine;
- (b) on summary conviction in Scotland, to a fine not exceeding £25,000;
- (c) on summary conviction in Northern Ireland, to a fine not exceeding £25,000;
- (d) on conviction on indictment, to a fine.

(5) Where a person is charged with an offence under paragraph (1), (2)(a) or (2)(b), it is a defence for the person charged to prove that the cargo transfer or bunkering operation was for one or more of the following purposes—

- (a) securing the safety of any ship;
- (b) saving life at sea; or
- (c) combating specific pollution incidents in order to minimise the damage from pollution,

unless the court is satisfied that the cargo transfer or bunkering operation was not necessary for any of those purposes and was not a reasonable step to take in the circumstances.