
STATUTORY INSTRUMENTS

2023 No. 246

The Merchant Shipping (Cargo and Passenger Ship Construction and Miscellaneous Amendments) Regulations 2023

PART 6

Enforcement

Offences and penalties

17.—(1) If a ship proceeds or attempts to proceed to sea or on any voyage, or arrives within United Kingdom waters, in breach of any of the requirements in, or listed in, these Regulations applicable to that ship, other than a matter to which paragraph (2) applies, the owner and the master are each guilty of an offence in respect of each case of non-compliance.

(2) Any breach of these Regulations which comprises a contravention of the following requirements in Chapter II-1—

- (a) paragraph 6 of regulation 5-1;
- (b) paragraph 1 of regulation 20.1;
- (c) paragraph 10 or 11 of regulation 22;
- (d) paragraph 4, 5 or 9 of regulation 23,

is an offence by the master.

(3) An offence under paragraph (1) or (2) is punishable—

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

(4) It is a defence for a person charged with an offence under this regulation to prove that the person charged took all reasonable steps to avoid the commission of the offence.