



# Merchant Shipping Act 1979

## 1979 CHAPTER 39

### *Offences*

#### **44 Offence in respect of dangerously unsafe ship**

(1) If—

- (a) a ship in a port in the United Kingdom ; or
- (b) a ship registered in the United Kingdom which is in any other port,

is, having regard to the nature of the service for which the ship is intended, unfit by reason of the condition of the ship's hull, equipment or machinery or by reason of undermanning or by reason of overloading or improper loading to go to sea without serious danger to human life, then, subject to the following subsection, the master and the owner of the ship shall each be guilty of an offence and liable on conviction on indictment to a fine and on summary conviction to a fine not exceeding £50,000.

(2) It shall be a defence in proceedings for an offence under the preceding subsection to prove that at the time of the alleged offence—

- (a) arrangements had been made which were appropriate to ensure that before the ship went to sea it was made fit to do so without serious danger to human life by reason of the matters aforesaid which are specified in the charge; or
- (b) it was reasonable not to have made such arrangements.

(3) No proceedings for an offence under subsection (1) of this section shall be begun—

- (a) in England and Wales, except by or with the consent of the Secretary of State or the Director of Public Prosecutions;
- (b) in Northern Ireland, except by or with the consent of the Secretary of State or the Director of Public Prosecutions for Northern Ireland.

(4) Section 457 of the Merchant Shipping Act 1894 (under which it is an offence to send an unseaworthy ship to sea) shall cease to have effect.