

SCHEDULES

SCHEDULE 6

ALTERATION OF PENALTIES

PART VII

OTHER PENALTIES

The Merchant Shipping Act 1894

- 1 At the end of section 66 of the Merchant Shipping Act 1894 as it has effect in Scotland (which among other things provides that a person who forges a document mentioned in that section shall be guilty of felony) there shall be inserted the words " and liable on conviction on indictment to imprisonment for not more than seven years ".
- 2 In section 73 of the Merchant Shipping Act 1894 (which among other things provides that if unauthorised colours are hoisted on board a vessel belonging to a British subject the master or owner of the vessel and the person who hoists the colours shall be guilty of an offence for which he is liable on conviction on indictment to a fine in some cases and to a fine of up to £500 in others or on summary conviction to a fine of up to £1,000 in some cases and £100 in others)—
 - (a) in subsection (2) for the words from " incur a fine " onwards there shall be substituted the words " be liable on conviction on indictment to a fine or on summary conviction to a fine not exceeding one thousand pounds "; and
 - (b) subsections (4) and (5) shall be omitted.
- 3 In section 271 of the Merchant Shipping Act 1894 (which among other things provides that, except in certain cases, no ship shall proceed to sea or on any voyage or excursion with more than twelve passengers on board unless a certificate as to survey under Part III of that Act is in force in respect of the ship) after subsection (2) there shall be inserted the following subsection—

“(3) If a ship proceeds to sea or on any voyage or excursion when it is prohibited from doing so by subsection (1) of this section, the owner and the master of the ship shall each be guilty of an offence and liable on conviction on indictment to a fine or on summary conviction to a fine not exceeding one thousand pounds.”
- 4 Subsection (3) of section 360 of the Merchant Shipping Act 1894 (which provides that a person employed under Part III of that Act who demands or takes unauthorised remuneration for performing his duty under that Part shall for each offence be liable to a fine not exceeding £50) shall be omitted.
- 5 In section 419(2) of the Merchant Shipping Act 1894 (which provides that if an infringement of the collision regulations is caused by the wilful default of the master or owner of a ship he shall be guilty of a misdemeanour) for the words " guilty of

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a misdemeanour " there shall be substituted the words " liable, on conviction on indictment, to a fine and imprisonment for a term not exceeding two years or, on summary conviction.—

- (a) to a fine not exceeding fifty thousand pounds and imprisonment for a term not exceeding six months in the case of an infringement of Rule 10(b)(i) of the regulations set out in Schedule 1 to the Collision Regulations and Distress Signals Order 1977 ; and
- (b) to a fine not exceeding £1,000 in any other case ".

6 In subsection (3) of section 422 of the Merchant Shipping Act 1894 (which among other things provides that if a person in charge of a vessel involved in a collision with another vessel fails without reasonable cause to render assistance to the other vessel or persons on her as required by subsection (1)(a) of that section or to give the name of his vessel and certain other information to the person in charge of the other vessel as required by subsection (1)(b) of that section he shall be guilty of a misdemeanour) for the words " a misdemeanour, and " there shall be substituted the words "an offence and—

- (a) in the case of a failure to comply with subsection (1)(a) of this section, liable on conviction on indictment to a fine and imprisonment for a term not exceeding two years and on summary conviction to a fine not exceeding fifty thousand pounds and imprisonment for a term not exceeding six months ; and
- (b) in the case of a failure to comply with subsection (1)(b) of this section, liable on conviction on indictment to a fine and on summary conviction to a fine not exceeding one thousand pounds,

and in either case”.

7 In subsection (2) of section 446 of the Merchant Shipping Act 1894 (which among other things provides that a person who sends dangerous goods by ship without marking the goods and giving notice about them as required by that section shall be liable to a fine not exceeding £100 or, if he shows that he was merely an agent in the shipment and was not aware that the goods were dangerous, then to a smaller fine)—

- (a) for the words from " liable " to " shows that he " there shall be substituted the words " liable on conviction on indictment to a fine or on summary conviction to a fine not exceeding one thousand pounds ; but it shall be a defence to show that the accused " ; and
- (b) the words from " then " onwards shall be omitted.

8 In section 447 of the Merchant Shipping Act 1894 (under which, among other things, a person who sends dangerous goods by ship under a false description or with a false description of the sender is liable on conviction on indictment to a fine in some cases and to a fine of up to £500 in others) for the words from " liable " onwards there shall be substituted the words " liable on conviction on indictment to a fine or on summary conviction to a fine not exceeding one thousand pounds ".

9 In paragraph (a) of subsection (1) of section 680 of the Merchant Shipping Act 1894 (under which, except in certain cases, an offence under that Act, which is declared to be a misdemeanour is punishable on conviction on indictment by a fine or by imprisonment not exceeding two years or on summary conviction with imprisonment for a term not exceeding six months or with a fine not exceeding £1,000 in some cases and £100 in others)—

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- (a) for the words " or by imprisonment" there shall be substituted the words " and by imprisonment ";
- (b) for the words from " or with a fine " onwards there shall be substituted the words " and with a fine not exceeding one thousand pounds ";

and in paragraph (b) of that subsection (under which an offence under that Act which is punishable by a fine not exceeding £100 can only be prosecuted summarily except in certain cases) for the words " one hundred pounds " there shall be substituted the words " one thousand pounds ".

- 10 In section 692(1) of the Merchant Shipping Act 1894 (which among other things provides that if a ship which is detained in pursuance of that section proceeds to sea before it is released the master and the owner of the ship and any other person who sends it to sea shall be liable to a fine not exceeding £200) for the words from " liable " onwards there shall be substituted the words " liable on conviction on indictment to a fine and on summary conviction to a fine not exceeding fifty thousand pounds. ".
- 11 In section 692(2) of the Merchant Shipping Act 1894 (which among other things provides that the master and the owner of a ship which takes to sea an officer authorised to detain the ship or certain other officials shall be liable to a fine of which the maximum amount varies with the circumstances) for the words from " to a fine " onwards there shall be substituted the words " on conviction on indictment to a fine or on summary conviction to a fine not exceeding one thousand pounds ".
- 12 In section 696(2) of the Merchant Shipping Act 1894 (under which, among other things, a person who obstructs the service on the master of a ship of any document under that Act about the detention of ships as unseaworthy is liable to a fine not exceeding £25 in some cases and £10 in others) for the words from " to a fine " to " and" there shall be substituted the words " on conviction on indictment to a fine or on summary conviction to a fine not exceeding one thousand pounds, and ".
- 13 In section 702 of the Merchant Shipping Act 1894 (which provides for prosecution on indictment in Scotland)—
- (a) after the words " High Court of Justiciary ", there shall be inserted the words " or the sheriff court "; and
 - (b) after the word "punishable" there shall be inserted the words " , subject to any maximum penalty prescribed in respect of any particular offence in this Act, ".
- 14 For section 703 of the Merchant Shipping Act 1894 (which provides for summary proceedings in Scotland) there shall be substituted the following section—
- “**703** In Scotland—
- (a) any offence under this Act may be tried in a summary manner before the sheriff court and if so tried shall, subject to any other penalty prescribed in respect of any particular offence in this Act, on summary conviction be punishable with imprisonment for a term not exceeding six months and with a fine not exceeding one thousand pounds ;
 - (b) all prosecutions in respect of offences under this Act in respect of which the maximum penalty which may be imposed does not exceed imprisonment for a period of three months or a fine of two hundred pounds or both may be tried in a summary manner before the district court.”

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The Merchant Shipping Act 1921

- 15 In section 2(1) of the Merchant Shipping Act 1921 (under which a person who, among other things, uses in navigation a lighter or similar vessel which is so unsafe as to endanger human life is liable on summary conviction to a fine of up to £100 or to imprisonment for up to 6 months) for the words from "liable" onwards there shall be substituted the words " liable on conviction on indictment to a fine or on summary conviction to a fine not exceeding one thousand pounds ".

The Merchant Shipping (Safety Convention) Act 1949

- 16 In subsection (5) of section 3 of the Merchant Shipping (Safety Convention) Act 1949 (under which a radio officer who contravenes certain radio rules is liable to a fine not exceeding £10 and, if other radio rules are contravened in relation to a ship, the owner or master is liable on conviction on indictment to a fine in some cases and a fine not exceeding £500 in others or on summary conviction to a fine not exceeding £1,000 in some cases and £100 in others)—
- (a) for the word " £10 " there shall be substituted the word " £500 " ; and
 - (b) for the words from " on indictment" onwards there shall be substituted the words " on indictment to a fine or on summary conviction to a fine not exceeding £1,000 ".

The Merchant Shipping (Load Lines) Act 1967

- 17 In section 4 of the Merchant Shipping (Load Lines) Act 1967 (of which subsection (2) provides that if any ship is loaded in contravention of subsection (1) of that section the owner or master shall be liable on summary conviction to a fine not exceeding £400 and to an additional fine not exceeding an amount calculated in accordance with subsection (3) of that section in terms of £400 for each inch or part of an inch by which the load line is or would have been submerged)—
- (a) in subsection (2) for the words “on summary conviction—
 - (a) to a fine not exceeding £400, and” there shall be substituted the words “—
 - (a) on conviction on indictment to a fine ;” and at the beginning of paragraph (b) there shall be inserted the words " on summary conviction to a fine not exceeding £1,000 and”; and
 - (b) in subsection (3) for the words from " £400 " to " complete inches" there shall be substituted the words " £1,000 for each complete centimetre " and the words following paragraph (b) shall be omitted.

The Merchant Shipping Act 1970

- 18 In section 19(5) of the Merchant Shipping Act 1970 (which authorises safety regulations to make a contravention of the regulations punishable on summary conviction with a fine not exceeding £200 if the offence is committed by the master or owner of the ship and £20 if it is committed by another person) for the words from " summary conviction " onwards there shall be substituted the words " conviction on indictment with a fine and on summary conviction with a fine not exceeding £1,000 ".
- 19 In section 27(1) of the Merchant Shipping Act 1970 (under which the master or a member of the crew of a ship registered in the United Kingdom who improperly

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endangers the ship or persons on board the ship is liable on conviction on indictment to imprisonment for up to 2 years or to a fine and on summary conviction to a fine not exceeding £1,000 in some cases and £400 in others)—

- (a) for the words " or to a fine " there shall be inserted the words " and a fine "; and
- (b) for the words from " summary conviction " onwards there shall be substituted the words " summary conviction to a fine not exceeding £1,000 ".

20 In section 28 of the Merchant Shipping Act 1970 (which provides that a seaman who is under the influence of drink or drugs while on duty to such an extent that his capacity to carry out his duties is impaired shall be liable on summary conviction to a fine not exceeding £50) for the words from " summary conviction" onwards there shall be substituted the words " conviction on indictment to imprisonment for a term not exceeding two years and a fine and, on summary conviction, to a fine not exceeding £1,000 ".

21 In section 30 of the Merchant Shipping Act 1970 (which provides among other things that a seaman employed in a ship registered in the United Kingdom who persistently neglects his duty or disobeys orders or combines with other seamen to do so or to impede the ship's progress shall be liable on summary conviction to a fine not exceeding £100) for the words from " summary conviction " to " £100 " there shall be substituted the words " conviction on indictment, to imprisonment for a term not exceeding two years and a fine and, on summary conviction, to a fine not exceeding £1,000 ".

The Merchant Shipping Act 1974

22 In paragraph 5 of Schedule 2 to the Merchant Shipping Act 1974 (which among other things authorises oil tanker construction rules to provide for a person who breaks the rules to be liable on summary conviction to a fine of up to £100) for the word " £100 " there shall be substituted the word " £1,000 " and at the end of subparagraph (1) there shall be inserted the words " and on conviction on indictment to a fine ".