



Merchant Shipping Act 1979

1979 CHAPTER 39

Offences

43 Alteration of penalties

- (1) A person guilty of an offence under any of the enactments mentioned in the first column of Part I, II, III or IV of Schedule 6 to this Act (which among other things relate to the matters mentioned in the second column of those Parts and provide for maximum fines on summary conviction of from £2 to £50 in the case of enactments mentioned in Part I of that Schedule, from £5 to £100 in the case of enactments mentioned in Part II of that Schedule and from £5 to £400 in the case of enactments mentioned in Parts III and IV of that Schedule) shall be liable on summary conviction to a fine not exceeding—
- (a) £50 if the enactment is mentioned in the said Part I;
 - (b) £200 if the enactment is mentioned in the said Part II;
 - (c) £500 if the enactment is mentioned in the said Part III; and
 - (d) £1,000 if the enactment is mentioned in the said Part IV,
- instead of the fine to which he would be liable for the offence apart from this subsection.
- (2) A person guilty of an offence under any of the enactments mentioned in the first column of Part V of that Schedule (which among other things relate to the matters mentioned in the second column of that Part and provide for maximum fines of from £20 to £1,000 on summary conviction and in some cases for a fine on conviction on indictment) shall be liable—
- (a) on conviction on indictment to a fine; and
 - (b) on summary conviction to a fine not exceeding £1,000,
- instead of the fine to which he would be liable for the offence apart from this subsection.
- (3) The enactments mentioned in Parts VI and VII of that Schedule (which provide for various penalties for the offences under the Merchant Shipping Acts and the Prevention of Oil Pollution Act 1971 which are mentioned in those Parts) shall have effect with the amendments specified in those Parts.

Status: This is the original version (as it was originally enacted).

- (4) If it appears to the Secretary of State that the maximum amount of a fine on summary conviction for the time being specified in a provision of the Merchant Shipping Acts or the Prevention of Oil Pollution Act 1971 should be altered in consequence of a change in the value of money since 17th July 1978 or, if the amount has been altered in pursuance of this subsection, since it was last so altered, he may by order provide that the provision shall have effect with the substitution for the amount aforesaid of an amount specified in the order which he considers is justified by the change; and such an order may provide that paragraph (b) of section 680(1) of the Merchant Shipping Act 1894 (which as amended by the said Part VII provides that certain offences made punishable by a fine not exceeding £1,000 can only be prosecuted summarily) and section 703 of that Act (which as so amended provides for penalties and jurisdiction in Scotland) shall have effect with the substitution for the amounts for the time being specified in that paragraph and the said section 703 of the different amounts specified in the order.
- (5) An order under subsection (1) of section 61 of the Criminal Law Act 1977 (which enables the sums specified in certain enactments to be altered in consequence of changes in the value of money) in respect of the prescribed sum mentioned in section 28 of that Act and an order under section 289D(1) of the Criminal Procedure (Scotland) Act 1975 (which makes corresponding provision for Scotland) shall not apply to a sum specified in a provision of the Acts mentioned in the preceding subsection.
- (6) Nothing in any of the preceding provisions of this section or an order under subsection (4) of this section applies to an offence committed before the provision or, as the case may be, the order comes into force.