



# Merchant Shipping Act 1988

## 1988 CHAPTER 12

### PART III

#### MISCELLANEOUS PROVISIONS RELATING TO MERCHANT SHIPPING ETC.

##### *Safety of navigation, oil pollution etc.*

#### **31 Owner liable for unsafe operation of ship**

- (1) It shall be the duty of the owner of a ship to which this section applies to take all reasonable steps to secure that the ship is operated in a safe manner.
- (2) This section applies to—
  - (a) any ship registered in the United Kingdom; and
  - (b) any ship which—
    - (i) is registered under the law of any country outside the United Kingdom, and
    - (ii) is within the seaward limits of the territorial sea of the United Kingdom while proceeding to or from a port in the United Kingdom, unless the ship would not be so proceeding but for weather conditions or any other unavoidable circumstances.
- (3) If the owner of a ship to which this section applies fails to discharge the duty imposed on him by subsection (1), he shall be guilty of an offence and liable—
  - (a) on summary conviction, to a fine not exceeding £50,000;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine, or both.
- (4) Where any such ship—
  - (a) is chartered by demise, or
  - (b) is managed, either wholly or in part, by a person other than the owner under the terms of a management agreement within the meaning of section 30,

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*Status: This is the original version (as it was originally enacted).*

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any reference to the owner of the ship in subsection (1) or (3) above shall be construed as including a reference—

- (i) to the charterer under the charter by demise, or
  - (ii) to any such manager as is referred to in paragraph (b), or
  - (iii) (if the ship is both chartered and managed as mentioned above) to both the charterer and any such manager,

and accordingly the reference in subsection (1) to the taking of all reasonable steps shall, in relation to the owner, the charterer or any such manager, be construed as a reference to the taking of all such steps as it is reasonable for him to take in the circumstances of the case.

- (5) No proceedings for an offence under this section shall be instituted—
  - (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.