



Railways and Transport Safety Act 2003

2003 CHAPTER 20

PART 4

SHIPPING: ALCOHOL AND DRUGS

Offences

79 Professional staff off duty

- (1) This section applies to a professional seaman in a ship at a time when—
 - (a) he is not on duty, but
 - (b) in the event of an emergency he would or might be required by the nature or terms of his engagement or employment to take action to protect the safety of passengers.
- (2) A person to whom this section applies commits an offence if his ability to take the action mentioned in subsection (1)(b) is impaired because of drink or drugs.
- (3) A person to whom this section applies commits an offence if the proportion of alcohol in his breath, blood or urine exceeds the prescribed limit.
- (4) For the purposes of this section a seaman is professional if (and only if) he acts as seaman in the course of a business or employment.
- (5) Where a person is charged with an offence under this section in respect of the effect of a drug on his ability to take action it is a defence for him to show that—
 - (a) he took the drug for a medicinal purpose on, and in accordance with, medical advice, or
 - (b) he took the drug for a medicinal purpose and had no reason to believe that it would impair his ability to take the action.

Changes to legislation: There are currently no known outstanding effects for the
Railways and Transport Safety Act 2003, Section 79. (See end of Document for details)

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Commencement Information

II S. 79 in force at 30.3.2004 by S.I. 2004/827, art. 3(b)

Changes to legislation:

There are currently no known outstanding effects for the Railways and Transport Safety Act 2003, Section 79.