



# 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.