
STATUTORY INSTRUMENTS

1993 No. 69

**The Merchant Shipping (Navigational
Equipment) Regulations 1993**

PART XII

PENALTIES

Penalties

46.—(1) If a ship proceeds or attempts to proceed to sea without carrying a navigational equipment installation with which it is required by these Regulations to be provided, or if such installation does not comply in all respects with the requirements of these Regulations relevant to such installation, the owner and master of the ship shall each be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum or, on conviction on indictment, to imprisonment for a term not exceeding 2 years and a fine.

(2) If any of the requirements of regulations 6 or 7 are contravened then the owner and the master shall each be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) If the information and instructions required to be provided by regulation 8 are not provided the owner shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale; and if such information and instructions are not available as required by that regulation the owner and master shall each be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) If a ship proceeds or attempts to proceed to sea without carrying a qualified radar observer which it is required to carry under regulation 21 of these Regulations the owner and master of the ship shall each be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(5) If while a ship is at sea and a radar watch is being kept—

- (a) the radar installation is not under the control of a qualified radar observer, or
- (b) an automatic radar plotting aid is being used and such aid is not under the control of a person qualified in the use of such aids in accordance with regulation 42,

the owner and master of the ship shall each be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(6) If the master of any ship fails to ensure that in respect of that ship all the requirements of regulations 35 and 36 are complied with he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(7) It shall be a defence in proceedings for an offence under this regulation to prove that the person charged took all reasonable steps to avoid commission of the offence.

Compensation and enforcement of detention

47. Section 460(1) and section 692(1) to (3) and (5) of the Merchant Shipping Act 1894(1) (which relate respectively to liability for costs and compensation for the detention of a ship and enforcing the detention of a ship) shall have effect in relation to a ship detained under these Regulations subject to the following modifications—

- (a) in section 460(1) the following words shall be omitted—
 - “by reason of the condition of the ship or the act or default of the owner”
 - “provisional”
 - “as an unsafe ship”
 - “and survey”
 - “or survey”; and
- (b) for the words “this Part of this Act” in section 460(1) and “this Act” wherever they appear in section 692, there shall be substituted “the Merchant Shipping (Navigational Equipment) Regulations 1993”.