
STATUTORY INSTRUMENTS

1997 No. 19

The Merchant Shipping (Carriage of Cargoes) Regulations 1997

PART V

Enforcement

Power to detain

12. In any case where a ship does not comply with the requirements of these Regulations the ship shall be liable to be detained and section 284 of the Merchant Shipping Act 1995 (which relates to the detention of a ship) shall have effect in relation to the ship, subject to the modification that as if for the words “this Act”, wherever they appear, there were substituted the words “the Merchant Shipping (Carriage of Cargoes) Regulations 1997”.

Penalties and defences

13.—(1) A person guilty of an offence under Part II, III or IV of these Regulations shall be liable on summary conviction to a fine not exceeding the statutory maximum or, on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both.

(2) In any proceedings for an offence under Part II, III or IV of these Regulations it shall be a defence for a person to prove that all reasonable steps had been taken by that person to ensure compliance with the Regulations.

Offences due to the fault of another person

14. Where the commission by any person of an offence under Part II, III or IV of these Regulations is due to the act or default of some other person, that other person shall be guilty of the offence. A person may be charged with and convicted of the offence by virtue of this Regulation whether or not proceedings are taken against the first mentioned person.

Equivalentents and exemptions

15.—(1) Where these Regulations, or information referred to in these Regulations, require that a particular piece of equipment, or type thereof, shall be provided or carried in a ship, or that any particular provision shall be made, the Certifying Authority shall permit any other piece of equipment to be provided or carried, or any other provision to be made in that ship if he is satisfied by trials thereof or otherwise that such other piece of equipment or provision is at least as effective as that required by these Regulations, or information referred to in these Regulations.

(2) For the purposes of these Regulations, the results of verification and tests carried out by bodies or laboratories of other member States of the Organisation offering suitable and satisfactory guarantees of technical and professional competence and independence shall be accepted.

(3) The Secretary of State may exempt any ship from all or any of the provisions of these Regulations as may be specified in the exemption on such terms (if any) as he may specify and, depending on the circumstances, he may also alter or cancel such an exemption.