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STATUTORY INSTRUMENTS

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**1997 No. 2367**

**The Merchant Shipping (Dangerous Goods  
and Marine Pollutants) Regulations 1997**

**PART V**

**ENFORCEMENT**

**Power to detain**

**23.** 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<sup>(1)</sup> (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 (Dangerous Goods and Marine Pollutants) Regulations 1997”.

**Penalties**

**24.—(1)** A person guilty of an offence under Parts 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 Parts II, III or IV of these Regulations it shall be a defence for a person to prove that:

- (a) all reasonable steps had been taken by him to ensure compliance with the Regulations; or
- (b) he did not know nor ought to have known nor had reasonable grounds for suspecting the goods to be dangerous goods or marine pollutants as the case may be; or
- (c) that the goods were handled and carried in accordance with the provisions of the IMDG Code where appropriate; or
- (d) if the person charged is the operator or master, in the case of goods packed in a freight container or vehicle, that before the freight container or vehicle was taken on board the ship the person responsible for packing the goods into the freight container or vehicle had provided the operator or master of the ship with a signed packing certificate certifying that the goods had been properly packed in the freight container or vehicle; or
- (e) the goods being solid dangerous goods in bulk were being handled and carried in accordance with the Bulk Cargoes Code; or
- (f) the goods being liquid chemical or gaseous dangerous goods in bulk such goods were being handled and carried in accordance with the relevant requirements of the BCH Code, the IBC Code, the Gas Carrier Code, the Gas Carrier Code for Existing Ships or the IGC Code;
- (g) the goods were being carried in accordance with Merchant Shipping Notices MSN 1705 or MSN 1706 where appropriate.

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(1) Section 284 was amended by the Merchant Shipping and Maritime Security Act 1997, Schedule 1.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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### **Offences due to fault of another person**

**25.** Where the commission by any person of an offence under Parts I, 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, and 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.