
STATUTORY INSTRUMENTS

1997 No. 2367

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

PART V

ENFORCEMENT

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.