

SCHEDULE 1

REGULATION OF THE HARBOUR AND THE HARBOUR PREMISES

PART V: GENERAL

Penalties

60.—(1) Any person who contravenes or otherwise fails to comply with any of the provisions of this Schedule, or any condition, requirement or prohibition imposed by the Company or the harbour master in the exercise of the powers conferred upon them or him by this Schedule, shall be guilty of an offence and liable on summary conviction—

- (a) to a fine not exceeding level 4 on the standard scale in the case of an offence under paragraph 40 above;
- (b) to a fine not exceeding level 3 on the standard scale in any other case.

(2) Where the commission by any person of an offence under this Schedule is due to the act or default of some other person, that other person shall be guilty of an offence; and that other person may be charged with, and convicted of, the offence by virtue of this paragraph, whether or not proceedings for the offence are taken against any other person.

(3) In any proceedings for an offence under this Schedule, it shall be a defence for the person charged to prove—

- (a) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence; or
- (b) that he had a reasonable excuse for his act or failure to act.

(4) If, in any case, the defence provided by sub-paragraph (3)(a) above involves the allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending seven clear days before the hearing, he has served on the Company a notice in writing giving such information identifying, or assisting in the identification of, that person as was then in his possession.