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STATUTORY INSTRUMENTS

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**1998 No. 2514**

**The Merchant Shipping (Passenger Ship Construction:  
Ships of Classes I, II and II(A)) Regulations 1998**

**PART XI**

**EQUIVALENTS, PENALTIES, DETENTION  
AND INVALID STABILITY INFORMATION**

**Alternative construction, equipment and machinery**

**90.**—(1) Where these Regulations require that the hull or machinery of a ship shall be constructed in a particular manner, or that particular equipment shall be provided, or particular provision shall be made, the Secretary of State may approve the hull or machinery of the ship to be constructed in any other manner or any other equipment to be provided or other provision made, if he is satisfied by trial thereof or otherwise that other construction or equipment or other provision is at least as effective as that required by these Regulations.

(2) For the purposes of these Regulations, the results of a verification or test shall be accepted if the verification or test is carried out—

- (a) in accordance with these Regulations, or with a Standard, Code of Practice, Specification or technical description of an EEA State other than the United Kingdom offering equivalent levels of safety, suitability and fitness for purpose; and
- (b) by a body or laboratory of an EEA State other than the United Kingdom offering suitable and satisfactory guarantees of technical and professional competence and independence.

**Penalties**

**91.**—(1) Any contravention of these Regulations, other than of a regulation, or paragraph of a regulation, mentioned in paragraphs (2) to (6), shall be an offence on the part of both the owner and master, punishable on summary conviction by a fine not exceeding the statutory maximum or on conviction on indictment by imprisonment for a term not exceeding two years, or a fine, or both.

(2) Any contravention of regulation 35(1), (2) or (3), 36 or 41(1) or (2) shall be an offence on the part of the owner punishable on summary conviction by a fine not exceeding the statutory maximum or on conviction on indictment by imprisonment for a term not exceeding two years, or a fine, or both.

(3) Any contravention of regulation 42 or 43(1), (2), or (3) shall be an offence on the part of the master punishable on summary conviction by a fine not exceeding the statutory maximum or on conviction on indictment by imprisonment for a term not exceeding two years, or a fine, or both.

(4) Any person who fails to carry out an inspection which he has been appointed by the master to carry out under regulation 24(3) or (4) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(5) If any officer appointed in accordance with regulation 30(1) reports a door to be closed and locked when it is not in fact closed and locked he shall be guilty of an offence, punishable on

summary conviction by a fine not exceeding level 5 or, on conviction or indictment, to imprisonment for a term not exceeding two years and a fine.

(6) Any contravention of regulation 42(1) by an officer appointed in accordance with that regulation shall be an offence punishable on summary conviction by a fine not exceeding level 3 on the standard scale or on conviction on indictment by a fine.

(7) It shall be a defence to a charge under these Regulations to prove that the person charged took all reasonable steps to avoid commission of the offence.

### **Power to detain**

**92.** 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 in 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 Merchant Shipping (Passenger Ship Construction: Classes I, II and II(A)) Regulations 1998”.

### **Invalid stability information**

**93.—**(1) After any survey required by these Regulations of any [new or existing] United Kingdom passenger ship to which these Regulations apply has been completed and a Passenger Ship Safety Certificate or a Passenger Certificate has been issued, the Secretary of State may cancel such certificate if the ship has not carried out a lightweight survey as specified in regulation 38(2).

(2) If at any time the stability information supplied to the master is found to be invalid the Secretary of State may withdraw such certificate until new and valid stability information is supplied.