
STATUTORY INSTRUMENTS

1998 No. 2515

**The Merchant Shipping (Passenger Ship Construction:
Ships of Classes III to VI(A)) Regulations 1998**

PART XI

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

Alternative construction, equipment and machinery

72.—(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

73.—(1) If a ship proceeds or attempts to proceed on any voyage without complying with the requirements of these Regulations other than the requirement of regulations 18(2) and (3), 20 and 25, the owner and master of the ship shall each be guilty of an offence for each case of non-compliance and liable on summary conviction to a fine not exceeding the statutory minimum or, on conviction on indictment, to imprisonment for a term not exceeding two years or a fine, or both.

(2) Any contravention of regulation 20 or 34(2) shall be an offence on the part of the owner and any contravention of regulation 34(3), (4), (5) or (6)(b) shall be an offence on the part of the master. Any such offence shall be 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 34(4)(a) by an officer appointed in accordance with that regulation shall be an offence punishable on summary conviction by a fine not exceeding level three on the standard scale or on conviction on indictment by a fine.

(4) Any person who fails to carry out an inspection which he has been appointed by the master to carry out under regulation 18(2) or (3) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(5) 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

74. 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 Merchant Shipping (Passenger Ship Construction: Classes III to VI(A)) Regulations 1998.”

Invalid stability information

75.—(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 Certificate has been issued, the Secretary of State may cancel such certificate if the ship has not carried out a survey as specified in regulation 31(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.