
STATUTORY INSTRUMENTS

2016 No. 1026

The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Electromagnetic Fields) Regulations 2016

PART 3

ENFORCEMENT

Offences and Penalties

11.—(1) Any person who fails to comply with regulations 5, 6, 8, 9, 10 or 20 is guilty of an offence and is liable—

(a) on summary conviction—

(i) in England and Wales to a fine; or

(ii) in Scotland or Northern Ireland to a fine not exceeding the statutory maximum; or

(b) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or both.

(2) Any person who fails to comply with regulation 18 or 19 is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) Section 146(1) of the Act (enforcement of fines) applies to any fine imposed for an offence under paragraphs (1) and (2), as if the reference to proceedings against the owner or master of a ship for an offence under Chapter 2 were a reference to proceedings against any person for an offence under those paragraphs.

(4) Where a body corporate is guilty of an offence under these Regulations and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, that person as well as the body corporate is guilty of that offence and is liable to be proceeded against and punished accordingly.

(5) Where the affairs of the body corporate are managed by its members, paragraph (4) applies in relation to the acts and defaults of a member in connection with that member's functions of management as if that member were a director of the body corporate.

(6) Where an offence under these Regulations committed by a Scottish partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, that partner as well as the partnership is guilty of that offence and is liable to be proceeded against and punished accordingly.