

---

STATUTORY INSTRUMENTS

---

**2018 No. 68**

The Merchant Shipping (Prevention of Pollution from  
Noxious Liquid Substances in Bulk) Regulations 2018

PART 5

Enforcement

**Defences**

**43.**—(1) In any proceedings for an offence under these Regulations, it is a defence for the person charged to prove that that person took all reasonable steps and exercised all due diligence to ensure that the regulation in question was complied with.

(2) Without prejudice to paragraph (1), in any proceedings for an offence comprising a contravention of regulation 24 or 26(2) it is a defence for the person charged to prove that—

- (a) the ship was not a United Kingdom ship;
- (b) the discharge took place in waters that were neither controlled waters nor United Kingdom waters; and
- (c) the ship was in a port in the United Kingdom at the time of the institution of proceedings by reason only of stress of weather or any other reason beyond the control of the master or owner or any charterer or manager.