



Merchant Shipping Act 1894

1894 CHAPTER 60 57 and 58 Vict

PART XIII

LEGAL PROCEEDINGS

Procedure in Scotland

702 Offences punishable as misdemeanors.

^{F1} . . . In Scotland every offence which by this Act is described as a felony or misdemeanor may be prosecuted by indictment ^{F1} ^{F2} and shall be punishable [^{F3}, subject to any maximum penalty prescribed in respect of any particular offence in this Act,] with a fine ^{F1} . . . or with imprisonment . . . ^{F4}, or with both, as the court may think fit. ^{F1} . . .

Textual Amendments

- F1 Words in s. 702 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt. II**; S.I. 1993/3137, **art. 3(2)**
- F2 Words repealed by virtue of Merchant Shipping Act 1906 (c. 48), **s. 82(3)**
- F3 Words inserted by Merchant Shipping Act 1979 (c. 39), **Sch. 6 Pt. VII para. 13**
- F4 Words omitted by virtue of Criminal Procedure (Scotland) Act 1975 (c. 21), **s. 221(2)**

Modifications etc. (not altering text)

- C1 S. 702 amended by Merchant Shipping Act 1906 (c. 48), **s. 82(3)**

703 Summary proceedings.

[^{F5}In Scotland—

- [^{F6}(a) subject to section 43(2) of the ^{M1}Merchant Shipping Act 1979 (which among other things makes certain offences triable either summarily or on indictment), any offence under this Act which was triable only summarily immediately before 1st January 1980 (the date of commencement of the said section 43)

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shall continue to be so triable and shall be deemed to have been so triable at all times since that date;

- (aa) subject to any special provisions of this Act —
 - (i) an offence under this Act described as a misdemeanour shall be triable either summarily or on indictment and, subject to any other penalty prescribed in respect of any particular offence, shall be punishable on summary conviction with a fine not exceeding the statutory maximum or imprisonment for a term not exceeding 6 months or both, and on conviction on indictment with a fine or imprisonment for a term not exceeding 2 years or both;
 - (ii) subject to sub-paragraph (i) above, an offence under this Act made punishable with imprisonment for any term not exceeding 6 months or with a fine or a maximum fine which does not exceed level 5 on the standard scale shall be triable only summarily;
 - (iii) an offence under this Act not falling within paragraph (a) above or the preceding provisions of this paragraph shall be triable either summarily or on indictment:

Provided that in relation to the period before the commencement of section 54 of the Criminal Justice Act 1982 sub-paragraph (ii) above shall have effect as if for “level 5 on the standard scale” there were substituted “£1,0”;

- (b) all prosecutions in respect of offences under this Act in respect of which the maximum penalty which may be imposed does not exceed imprisonment for a period of three months or a fine of [^{F7}two hundred pounds][^{F7}level 4 on the standard scale] or both may be tried in a summary manner before the district court.]

Textual Amendments

F5 S. 703 substituted by [Merchant Shipping Act 1979 \(c. 39\), Sch. 6 Pt. VII para. 14](#)

F6 S. 703(a)(aa) substituted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), Sch. 15 para. 5, Sch. 17 para. 18](#)

F7 Words “level 4 on the standard scale” substituted (S.) for “two hundred pounds” by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 56, Sch. 7 para. 1](#)

Marginal Citations

M1 [1979 c.39 \(111\)](#).

^{F8}704

Textual Amendments

F8 S. 704 repealed (1.5.1994) by [1993 c. 22, s. 8\(3\)\(4\), Sch. 4 para. 75, Sch. 5 Pt.II; S.I. 1993/3137, art. 3\(2\)](#)

^{F9}705

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Textual Amendments

F9 S. 705 repealed (1.5.1994) by 1993 c. 22, s. 8(3)(4), Sch. 4 para. 75, **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

F10 **706**

Textual Amendments

F10 S. 706 repealed (1.5.1994) by 1993 c. 22, s. 8(3)(4), Sch. 4 para. 75, **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

F11 **707**

Textual Amendments

F11 S. 707 repealed (1.5.1994) by 1993 c. 22, s. 8(3)(4), Sch. 4 para. 75, **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

F12 **708**

Textual Amendments

F12 S. 708 repealed (1.5.1994) by 1993 c. 22, s. 8(3)(4), Sch. 4 para. 75, **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

F13 **709**

Textual Amendments

F13 S. 709 repealed (1.5.1994) by 1993 c. 22, s. 8(3)(4), Sch. 4 para. 75, **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

710 General rules, so far as applicable, to extend to penalties and proceedings in Scotland.

Nothing in this Act shall be held in any way to annul or restrict the common law in Scotland with regard to the prosecution [^{F14}of offences at the instance or on the authority or with the concurrence of the Lord Advocate or on the authority of the High Court or to any punishment consequent on such prosecution], or the rights of owners or creditors in regard to enforcing a judicial sale of any ship and tackle, or to give to the High Court in England any jurisdiction in respect of salvage in Scotland which it has not heretofore had or exercised.

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Textual Amendments

F14 Words in s. 710 substituted (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para.76**; S.I. 1993/3137, **art. 3(2)**

Status:

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Changes to legislation:

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