
 STATUTORY INSTRUMENTS

1984 No. 93

MERCHANT SHIPPING

SAFETY

**The Merchant Shipping (Safety Officials and Reporting of
Accidents and Dangerous Occurrences) (Amendment) Regulations
1984**

<i>Made - - - -</i>	<i>31st January 1984</i>
<i>Laid before Parliament</i>	<i>10th February 1984</i>
<i>Coming into Operation</i>	<i>3rd March 1984</i>

The Secretary of State for Transport, after consulting with the persons referred to in section 22(2) of the Merchant Shipping Act 1979(a), in exercise of powers conferred on him by section 21(1)(a), (3)(e) and (q) and (6)(ba) and (bb) and section 22(1)(a) of that Act and of all other powers enabling him in that behalf, hereby makes the following Regulations:

1. These Regulations may be cited as the Merchant Shipping (Safety Officials and Reporting of Accidents and Dangerous Occurrences) (Amendment) Regulations 1984 and shall come into operation on 3rd March 1984.

2. The Merchant Shipping (Safety Officials and Reporting of Accidents and Dangerous Occurrences) Regulations 1982(b) are hereby amended as follows:

- (1) in regulation 10 for "regulation 11(1)" there shall be substituted "regulation 11";
- (2) in regulation 11(2) for "in addition to the report" there shall be substituted "in addition to any report";
- (3) for regulation 12 there shall be substituted the following regulation:

"12.— (1) Any employer who:

- (a) fails to appoint a safety officer or a safety committee or to make rules for the election of safety representatives in accordance with regulation 3, or
- (b) fails to carry out any of the duties specified in regulation 8, or
- (c) fails to comply with regulation 11(3),

(a) 1979 c. 39; s. 21(6)(ba) and (bb) were inserted by s. 49(3) of the Criminal Justice Act 1982 (c. 48).

(b) S.I. 1982/876.

shall be guilty of an offence punishable only on summary conviction by a fine not exceeding £1,000.

- (2) (a) Any master who fails to carry out any of the duties specified in regulation 8, and
(b) any person required under regulation 11(1) or (2) to make a report who without reasonable excuse fails to make that report in accordance with that regulation or to forward it as so required,

shall be guilty of an offence punishable only on summary conviction by a fine not exceeding £500.

- (3) Any safety officer who:
(a) fails to investigate an accident or dangerous occurrence in contravention of regulation 5(1)(a) or (b),
(b) fails to investigate complaints, in contravention of regulation 5(2),
(c) fails to comply with regulations 5(3) or 5(9), or
(d) fails to keep any records in contravention of regulation 5(6) or to make such records available to a safety representative, a safety committee, the master or the Department of Transport, in contravention of regulation 5(7)(a),

shall be guilty of an offence punishable only on summary conviction by a fine not exceeding £50.

- (4) It shall be a defence for a person charged under this regulation to show that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.”.

Nicholas Ridley,
Secretary of State for Transport.

31st January 1984.

(a) The functions of the Department of Trade in relation to merchant shipping including functions under regulation 5(7) have been transferred to the Department of Transport (see the Transfer of Functions (Trade and Industry) Order 1983 (S.I. 1983/1127)).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Merchant Shipping (Safety Officials and Reporting of Accidents and Dangerous Occurrences) Regulations 1982. Offences under the Regulations cease to be triable on indictment, and new maximum penalties are prescribed. The maximum fine on summary conviction for employer remains £1,000; for a master, or a person required to make a report in place of the master, it is reduced from £1,000 to £500; and for a safety officer it is reduced from £1,000 to £50. In addition regulation 10 is amended to require those accidents and dangerous occurrences specified in that regulation to be notified in accordance with all the requirements of regulation 11, to which a minor drafting amendment is made.

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