
STATUTORY INSTRUMENTS

1990 No. 2605

**The Merchant Shipping (Dangerous Goods
and Marine Pollutants) Regulations 1990**

PART IV

Enforcement

Power to Detain

18.—(1) 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 692(1) to (3) of the Merchant Shipping Act 1894⁽¹⁾ (which relates to the detention of a ship) shall have effect in relation to the ship, subject to the modification that for the words “this Act”, wherever they appear, there shall be substituted the words “the Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1990”.

Penalties and defences

19.—(1) A person guilty of an offence under Parts II or III of these Regulations shall be liable on summary conviction to a fine not exceeding the statutory maximum or, on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both.

(2) In any proceedings for an offence under Parts II or III these Regulations it shall be a defence for a person to prove that:—

- (a) all reasonable steps had been taken by him to ensure compliance with the Regulations; or
- (b) he did not know nor ought to have known nor had reasonable grounds for suspecting the goods to be dangerous goods or marine pollutants as the case may be; or
- (c) that the goods were handled and carried in accordance with the provisions of the IMDG Code where appropriate; or
- (d) if the person charged is the shipowner or master, in the case of goods packed in a freight container or vehicle, that before the freight container or vehicle was taken on board the ship the person responsible for packing the goods into the freight container or vehicle had furnished the shipowner or master of the ship with a signed packing certificate certifying that the goods had been properly packed in the freight container or vehicle;
- (e) the goods being solid dangerous goods in bulk were being handled and carried in accordance with the Bulk Cargoes Code;
- (f) the goods being liquid chemical or gaseous dangerous goods in bulk such goods were being handled and carried in accordance with the relevant requirements of the BCH Code, the IBC Code, the Gas Carrier Code, the Gas Carrier Code for Existing Ships and the IGC Code;
- (g) the goods were being carried in accordance with Merchant Shipping Notices M1435, M1436 or M1437 where appropriate.

(1) 1894 c. 60.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Offences due to fault of another person

20.—(1) Where the commission by any person of an offence under Parts I, II or III of these Regulations is due to the act or default of some other person, that other person shall be guilty of the offence, and a person may be charged with and convicted of the offence by virtue of this regulation whether or not proceedings are taken against the first-mentioned person.