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STATUTORY INSTRUMENTS

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**2023 No. 35**

**The Merchant Shipping (Watercraft) Order 2023**

**PART 3**

**Safety of watercraft**

**Owner liable for unsafe operation of watercraft**

**8.** Section 100(1) (owner liable for unsafe operation of ship) of the 1995 Act applies in relation to watercraft as it applies in relation to ships, as if it read—

“**100.**—(1) It is the duty of the owner of a watercraft to which this section applies to take all reasonable steps to secure that the watercraft is operated in a safe manner.

(2) This section applies to any watercraft within United Kingdom waters.

(3) If the owner of a watercraft to which this section applies fails to discharge the duty imposed by subsection (1) above, the owner is liable—

- (a) on summary conviction in England and Wales, to a fine;
- (b) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding level 5 on the standard scale;
- (c) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine, or both.

(4) Where any such watercraft is managed, either wholly or in part, by a person (“P”) other than the owner under the terms of an arrangement (whether or not for reward) under which the operational safety of the watercraft (whether or not among other things) is to be maintained by P, any reference to the owner of the watercraft in subsection (1) or (3) above includes a reference to P.

(5) No proceedings for an offence under this section are to be instituted—

- (a) in England and Wales, except by or with the consent of the Secretary of State or the Director of Public Prosecutions;
- (b) in Northern Ireland, except by or with the consent of the Secretary of State or the Director of Public Prosecutions in Northern Ireland.”.