
STATUTORY INSTRUMENTS

1998 No. 1012

**The Merchant Shipping (Fire Protection:
Large Ships) Regulations 1998**

PART X

EQUIVALENTS, PENALTIES AND DETENTION

Alternative construction and equivalents

104.—(1) Where these Regulations require that the ship shall be constructed in a particular manner or that a particular fitting, material, appliance or apparatus or type thereof shall be fitted or carried in a ship, or that any particular provision shall be made, the Secretary of State shall permit the ship to be constructed in any other manner or shall approve any other fitting, material, appliance or apparatus, or type thereof, to be fitted or carried, or any other provision to be made in that ship, if he is satisfied by trial thereof or otherwise that such other construction, fitting, material, appliance or apparatus, or type thereof, or provision is at least as effective as that required by these Regulations.

(2) For the purposes of these Regulations, the results of a verification or test shall be accepted if the verification or test is carried out—

- (a) in accordance with these Regulations or with a standard, code of practice, specification or technical description of an EEA State other than the United Kingdom offering equivalent levels of safety, suitability and fitness for purpose; and
- (b) by a body or laboratory of an EEA State other than the United Kingdom offering suitable and satisfactory guarantees of technical and professional competence and independence.

Penalties

105.—(1) If a ship to which these Regulations apply proceeds or attempts to proceed to sea or on a voyage or excursion without complying with the requirements of these Regulations, the owner and master of the ship shall each be guilty of an offence in respect of each case of non-compliance and 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 and a fine.

(2) Any contravention of regulation 30(3)(c) by the master shall be an offence punishable on summary conviction by a fine not exceeding level 5.

(3) It shall be a good defence to a charge under this regulation to prove that the person charged took all reasonable steps to avoid commission of the offence.

Powers to detain

106. 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 284 of the Merchant Shipping Act 1995 (which relates to the detention of a ship) shall have effect in relation to the ship, subject to the modification that as if for the words “this Act” wherever they appear, there were substituted “the Merchant Shipping (Fire Protection) (Large Ships) Regulations 1998”.