



Railways and Transport Safety Act 2003

2003 CHAPTER 20

PART 4

SHIPPING: ALCOHOL AND DRUGS

Offences

78 Professional staff on duty

- (1) This section applies to—
 - (a) a professional master of a ship,
 - (b) a professional pilot of a ship, and
 - (c) a professional seaman in a ship while on duty.
- (2) A person to whom this section applies commits an offence if his ability to carry out his duties is impaired because of drink or drugs.
- (3) A person to whom this section applies commits an offence if the proportion of alcohol in his breath, blood or urine exceeds the prescribed limit.
- (4) For the purposes of this section a master, pilot or seaman is professional if (and only if) he acts as master, pilot or seaman in the course of a business or employment.
- (5) Where a person is charged with an offence under this section in respect of the effect of a drug on his ability to carry out duties on a fishing vessel, it is a defence for him to show that—
 - (a) he took the drug for a medicinal purpose on, and in accordance with, medical advice, or
 - (b) he took the drug for a medicinal purpose and had no reason to believe that it would impair his ability to carry out his duties.

Changes to legislation: There are currently no known outstanding effects for the Railways and Transport Safety Act 2003, Cross Heading: Offences. (See end of Document for details)

Commencement Information

II S. 78 in force at 30.3.2004 by S.I. 2004/827, art. 3(a)

79 Professional staff off duty

- (1) This section applies to a professional seaman in a ship at a time when—
 - (a) he is not on duty, but
 - (b) in the event of an emergency he would or might be required by the nature or terms of his engagement or employment to take action to protect the safety of passengers.
- (2) A person to whom this section applies commits an offence if his ability to take the action mentioned in subsection (1)(b) is impaired because of drink or drugs.
- (3) A person to whom this section applies commits an offence if the proportion of alcohol in his breath, blood or urine exceeds the prescribed limit.
- (4) For the purposes of this section a seaman is professional if (and only if) he acts as seaman in the course of a business or employment.
- (5) Where a person is charged with an offence under this section in respect of the effect of a drug on his ability to take action it is a defence for him to show that—
 - (a) he took the drug for a medicinal purpose on, and in accordance with, medical advice, or
 - (b) he took the drug for a medicinal purpose and had no reason to believe that it would impair his ability to take the action.

Commencement Information

II S. 79 in force at 30.3.2004 by S.I. 2004/827, art. 3(b)

80 Non-professionals

- (1) This section applies to a person who—
 - (a) is on board a ship which is under way,
 - (b) is exercising, or purporting or attempting to exercise, a function in connection with the navigation of the ship, and
 - (c) is not a person to whom section 78 or 79 applies.
- (2) A person to whom this section applies commits an offence if his ability to exercise the function mentioned in subsection (1)(b) is impaired because of drink or drugs.
- (3) A person to whom this section applies commits an offence if the proportion of alcohol in his breath, blood or urine exceeds the prescribed limit.
- (4) The Secretary of State may make regulations providing for subsection (3) not to apply in specified circumstances.
- (5) Regulations under subsection (4) may make provision by reference, in particular—
 - (a) to the power of a motor;
 - (b) to the size of a ship;

Changes to legislation: There are currently no known outstanding effects for the Railways and Transport Safety Act 2003, Cross Heading: Offences. (See end of Document for details)

(c) to location.

Commencement Information

I3 S. 80(4)(5) in force at 30.3.2004 by S.I. 2004/827, art. 3(c)

81 Prescribed limit

- (1) The prescribed limit of alcohol for the purposes of this Part is—
- (a) in the case of breath, [^{F1}25] microgrammes of alcohol in 100 millilitres,
 - (b) in the case of blood, [^{F2}50] milligrammes of alcohol in 100 millilitres, and
 - (c) in the case of urine, [^{F3}67] milligrammes of alcohol in 100 millilitres.
- (2) The Secretary of State may make regulations amending subsection (1).

Textual Amendments

- F1** Word in s. 81(a) substituted (20.10.2015) by [The Merchant Shipping \(Alcohol\) \(Prescribed Limits Amendment\) Regulations 2015 \(S.I. 2015/1730\)](#), regs. 1(2), **2(2)**
- F2** Word in s. 81(b) substituted (20.10.2015) by [The Merchant Shipping \(Alcohol\) \(Prescribed Limits Amendment\) Regulations 2015 \(S.I. 2015/1730\)](#), regs. 1(2), **2(3)**
- F3** Word in s. 81(c) substituted (20.10.2015) by [The Merchant Shipping \(Alcohol\) \(Prescribed Limits Amendment\) Regulations 2015 \(S.I. 2015/1730\)](#), regs. 1(2), **2(4)**

Commencement Information

I4 S. 81 in force at 30.3.2004 by S.I. 2004/827, art. 3(d)

Changes to legislation:

There are currently no known outstanding effects for the Railways and Transport Safety Act 2003, Cross Heading: Offences.