

1979 No. 1519

MERCHANT SHIPPING**The Merchant Shipping (Increased Penalties)
Regulations 1979**

Made - - - - 26th November 1979
Laid before Parliament 4th December 1979
Coming into Operation 1st January 1980

The Secretary of State, in exercise of powers conferred by section 1(2)(d) of the Merchant Shipping Act 1965(a) and, after consulting with the organisations referred to in section 99(2) of the Merchant Shipping Act 1970(b), in exercise of powers conferred by sections 2(2), 3(4), 62(6), 65(3), 68(5), 69(5), 70(2) and 71(2) of that Act and now vested in him(c), by paragraph 3(2) of Schedule 5 to the Merchant Shipping Act 1974(d) and by section 43(3) of, and paragraphs 4, 6, 8 and 20 of Part VI of Schedule 6 to, the Merchant Shipping Act 1979(e) 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 (Increased Penalties) Regulations 1979 and shall come into operation on 1st January 1980.

2. The statutory instruments listed in column 1 of the Schedule hereto shall be amended by substituting, in respect of the subject matter specified in column 2 thereof, for the penalties specified in column 3 thereof, those penalties specified in column 4.

3. The Merchant Shipping (Diving Operations) Regulations 1975(f) shall be further amended as follows:—

In regulation 27(2)(a) (offences) for the words “on summary conviction a fine not exceeding £400” there shall be substituted “on summary conviction a fine not exceeding £1,000”.

4. The Merchant Shipping (Registration of Submersible Craft) Regulations 1976(g) shall be amended as follows:—

In regulation 5(1) (offences) for the words “on summary conviction to a fine not exceeding £400” there shall be substituted “on summary conviction to a fine not exceeding £1,000”.

Norman Tebitt,
 Parliamentary Under-Secretary of State,
 Department of Trade.

26th November 1979.

(a) 1965 c. 47.

(b) 1970 c. 36.

(c) S.I. 1970/1537.

(d) 1974 c. 43.

(e) 1979 c. 39.

(f) S.I. 1975/116, to which there is an amendment not relevant to these Regulations.

(g) S.I. 1976/940.

Regulation 2

SCHEDULE

Statutory Instrument	Subject Matter	Present Penalty	Increased Penalty
1. The Merchant Shipping (Tonnage) Regulations 1967(a)	Regulation 15(4) (penalty for carrying goods or stores in an unauthorised permanently closed-in space)	£100	£200
2.—(1) The Merchant Shipping (Crew Agreements, Lists of Crew and Discharge of Seamen) Regulations 1972(b)	Regulation 10(3) (penalty for failure to give notice of intention to employ seaman, to deliver crew agreement, to display crew agreement, to supply copy of crew agreement and to produce documents)	£50	£200
	Regulation 22(3) (penalty for failure to deliver and endorse list of crew, to maintain list of crew, to deliver list of crew, and to produce list of crew)	£20	£50
	Regulation 27(4): (a) (penalty for improper discharge of seaman, and for failure to comply with procedure on discharge)	£100	£200
	(b) (penalty for failure to make proper official log book entries) (c) (penalty for failure to sign list of crew)	£20 £10	£50 £10 (no increase)
(2) The Merchant Shipping (Crew Agreements, Lists of Crew and Discharge of Seamen) (Fishing Vessels) Regulations 1972(c)	Regulation 9(4) (penalty for failure to make crew agreement at proper place, to deliver crew agreement, to display crew agreement, to supply copy of crew agreement and to produce documents)	£50	£200
	Regulation 21(3) (penalty for failure to deliver copy of list of crew, to deliver list of crew and to produce list of crew)	£20	£50

(a) S.I. 1967/172; relevant amending instrument is S.I. 1967/1093.

(b) S.I. 1972/918; relevant amending instrument is S.I. 1977/45.

(c) S.I. 1972/919; relevant amending instrument is S.I. 1977/45.

Statutory Instrument	Subject Matter	Present Penalty	Increased Penalty
3. The Merchant Shipping (Repatriation) Regulations 1979(a)	Regulation 25(6):		
	(a) (penalty for improper discharge of seaman, and for failure to comply with procedure on discharge)	£100	£200
	(b) (penalty for failure to make proper official log book entries)	£20	£50
	(c) (penalty for failure to sign list of crew)	£10	£10 (no increase)
	Regulation 3(7) (penalty for failure to comply with obligations in respect of seamen left behind or shipwrecked)	£100	£200
	Regulation 4(4):		
	(a) (penalty for failure to give particulars of seaman left behind)	£100	£200
	(b) (penalty for failure to make proper entries in official log book)	£20	£50
	Regulation 5(3) (penalty for failure to keep superintendent or proper officer informed)	£100	£200
	Regulation 8(3) (penalty for failure to comply with a conveyance order or direction)	£100	£200
	Regulation 9(2) (penalty for failure to make proper entries in official log book)	£20	£50
Regulation 11(2) (penalty for failure to pay wages of seaman left behind)	£20	£200	
Regulation 12(4) (penalty for failure to pay wages of fishermen left behind)	£20	£200	
Regulation 15(3) (penalty for failure to keep other records and accounts)	£100	£200	

(a) S.I. 1979/97.

Statutory Instrument	Subject Matter	Present Penalty	Increased Penalty
4. The Merchant Shipping (Property of Deceased Seamen) Regulations 1972(a)	Regulation 16(8): (a) (penalty for failure to deliver seaman's property)	£100	£200
	(b) (penalty for failure to make proper official log book entries relating to seaman's property)	£20	£50
	Regulation 16(9) (penalty for failure to deliver seaman's property and to deliver record of property)	£100	£200
	Regulation 9: (a) (penalty for failure to take charge of property, deliver property and to make record of it)	£100	£200
5.—(1) The Merchant Shipping (Official Log Books) Regulations 1972(b)	(b) (penalty for failure to make property entry in official log book)	£20	£50
	(c) (penalty for failure to pay wages or deliver account thereof)	£100	£200
	(d) (penalty for failure to keep record of property)	£100	£200
	Regulation 11 (penalty for failure to make proper official log book entries, to make further entries in official log book, to produce official log book, and to deliver official log book)	£20	£50
(2) The Merchant Shipping (Official Log Books) (Fishing Vessels) Regulations 1972(c)	Regulation 11 (penalty for failure to make proper official log book entries, to make further entries in official log book, to produce official log book, and to deliver official log book)	£20	£50

(a) S.I. 1972/1697.

(b) S.I. 1972/1874; relevant amending instrument is S.I. 1978/1755.

(c) S.I. 1972/1873; relevant amending instrument is S.I. 1977/628.

Statutory Instrument	Subject Matter	Present Penalty	Increased Penalty
6. The Merchant Shipping (Seamen's Documents) Regulations 1972(a)	Regulation 31 (penalty for failure to apply for British Seaman's Card, to produce British Seaman's Card, to surrender British Seaman's Card, to deliver British Seaman's Card, to apply for discharge book, to produce discharge book, to deliver discharge book, to inform of incorrect entry in a seaman's document, to surrender a seaman's document, and to make unauthorised alteration of a seaman's document)	£10	£50
7. The Merchant Shipping (Disciplinary Offences) Regulations 1972(b)	Regulation 20(2) (penalty for failure to make proper official log book entries)	£20	£50

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, pursuant to specified paragraphs of Part VI of Schedule 6 to the Merchant Shipping Act 1979, increase the maximum penalties which may be imposed on summary conviction for breach of the following Regulations, which are amended by these Regulations:

- The Merchant Shipping (Tonnage) Regulations 1967
- The Merchant Shipping (Crew Agreements, Lists of Crew and Discharge of Seamen) Regulations 1972
- The Merchant Shipping (Crew Agreements, Lists of Crew and Discharge of Seamen) (Fishing Vessels) Regulations 1972
- The Merchant Shipping (Property of Deceased Seamen) Regulations 1972
- The Merchant Shipping (Official Log Books) Regulations 1972
- The Merchant Shipping (Official Log Books) (Fishing Vessels) Regulations 1972
- The Merchant Shipping (Seamen's Documents) Regulations 1972
- The Merchant Shipping (Disciplinary Offences) Regulations 1972
- The Merchant Shipping (Diving Operations) Regulations 1975
- The Merchant Shipping (Registration of Submersible Craft) Regulations 1976
- The Merchant Shipping (Repatriation) Regulations 1979.

(a) S.I. 1972/1295; relevant amending instrument is S.I. 1978/1758.

(b) S.I. 1972/1294; relevant amending instrument is S.I. 1974/2047.

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