
STATUTORY INSTRUMENTS

2008 No. 3257

**The Merchant Shipping (Prevention of Pollution by
Sewage and Garbage from Ships) Regulations 2008**

PART 7

Inspections, Detentions and Offences

Offences

42.—(1) Any contravention of—

- (a) regulation 7(1), 8(1), 9(1), (2) or (3), 10(2), 18(4) or 19(1) or (2) is an offence by the owner and the master of the ship,
 - (b) regulation 16(5) is an offence by the owner of the ship,
 - (c) regulation 18(3) is an offence by the person in question,
 - (d) regulation 21(1) or (2) or 22 is an offence by the owner of the ship,
 - (e) regulation 23(1), 26, 27, 28, or 29, in the case of a relevant platform, is an offence by the owner and manager of the platform,
 - (f) regulation 23(1), 26, 27, 28, or 29 in the case of a ship other than a relevant platform, is an offence by the owner, manager, demise charterer and master of the ship,
 - (g) regulation 30, 31, 32(1), 33(1) or (3), or 34(1), (2), (3), (4) or (5), in the case of a relevant platform, is an offence by the owner and manager of the platform,
 - (h) regulation 30, 31, 32(1), 33(1) or (3), or 34(1), (2), (3), (4) or (5), in the case of a ship other than a relevant platform, is an offence by the owner, manager, demise charterer and master of the ship,
 - (i) regulation 32(3) or 34(7) in the case of a relevant platform, is an offence by the manager of the platform,
 - (j) regulation 32(3) or 34(7) in the case of a ship other than a relevant platform, by the master of the ship,
 - (k) regulation 33(4) is an offence by the owner of the ship,
 - (l) regulation 34(1) or (2) in the case of a relevant platform, is an offence by the owner and manager of the platform, and the officer in charge of the discharge operation or incineration,
 - (m) regulation 34(1) or (2) in the case of a ship other than a relevant platform, is an offence by the owner, manager, demise charterer and master of the ship, and the officer in charge of the discharge operation or incineration.
- (2) Subject to paragraph (3), an offence under paragraph (1) is punishable—
- (a) on summary conviction by a fine not exceeding the statutory maximum, or
 - (b) on conviction on indictment by a fine.

Status: This is the original version (as it was originally made).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

(3) A contravention referred to in paragraph (1)(e) or (f) is specified for the purposes of article 6 of the (Merchant Shipping (Prevention of Pollution by Sewage and Garbage) Order 2006⁽¹⁾ (which applies section 131(3) of the 1995 Act⁽²⁾ (penalties for certain pollution offences) subject to a modification).

(4) Where an offence under this regulation is committed, or would be committed save for the operation of regulation 47(1), by any person due to the act or default of some other person, that other person is also guilty of the offence, and a person may be charged with and convicted of an offence by virtue of this paragraph whether or not proceedings are taken against the first mentioned person.

(1) S.I. 2006/2950.

(2) 1995 c.21; section 131 was amended by the Merchant Shipping and Maritime Security Act 1997 (c.28), section 7(1).