STATUTORY INSTRUMENTS

1988 No. 1396

MERCHANT SHIPPING

SAFETY

The Merchant Shipping (Health and Safety: General Duties) (Amendment) Regulations 1988

Made - - - -	*4th August 1988*
Laid before Parliament	*11th August 1988*
Coming into force	*1st September 1988*

The Secretary of State for Transport, after consulting with the persons referred to in section 22(2) of the Merchant Shipping Act 1979(a), in exercise of the powers conferred on him by section 21(1)(a) and 21(6) of that Act(b), and of all other powers enabling him in that behalf, hereby makes the following Regulations:–

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Health and Safety: General Duties) (Amendment) Regulations 1988 and shall come into force on 1st September 1988.

2. The Merchant Shipping (Health and Safety: General Duties) Regulations 1984(c) shall be amended by substituting for regulation 8 the following:–

"**8** (1) Contravention of regulation 4 of these Regulations shall be an offence punishable on summary conviction by a fine not exceeding £2000 or, on conviction on indictment, by imprisonment for a term not exceeding two years or a fine, or both.

(2) Contravention of regulation 5 of these Regulations shall be an offence punishable on summary conviction by a fine not exceeding £400.

(3) Contravention of regulation 6 of these Regulations shall be an offence punishable on summary conviction by a fine not exceeding £1000.

(4) Contravention of regulation 7 of these Regulations shall be an offence punishable on summary conviction by a fine not exceeding £1000.

(a) 1979 c.39. (b) Section 21(6) was amended by section 49(3) of the Criminal Justice Act 1982 (c.48).
(c) S.I. 1984/408.

(5) It shall be a defence for a person charged under paragraphs (1) to (3) of this regulation to show that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.".

Paul Channon
Secretary of State for Transport

4th August 1988

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the penalties in the Merchant Shipping (Health and Safety: General Duties) Regulations 1984. They provide that offences by an employer of contravening his general duty to ensure, so far as practicable, the health and safety of his employees may also be tried on indictment and punished by a fine or up to two years imprisonment (as an alternative to being triable summarily).

The Regulations also increase the maximum of certain other fines.

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