

**Comparison of enforcement provisions in the  
Merchant Shipping (Working Time : Inland Waterways) Regulations 2003  
before and after amendment**

<b>OFFENCES (Regulation 17)</b>							
<b>2003 regulations (Reg 17)</b>	<b>Offence</b>		<b>Penalty</b>	<b>As amended by 2016 regulations (Reg 17)</b>			<b>Penalty</b>
6(2)	Failure to ensure worker does not exceed maximum weekly working time.	Employer	Summary: Statutory maximum	6	Failure to ensure worker does not exceed daily maximum working time	Employer	Summary: a fine (Statutory maximum in Scotland or N Ireland)
				6A	Failure to ensure worker does not exceed weekly maximum working time	Employer	Summary: a fine (Statutory maximum in Scotland or N Ireland)
				6B	Failure to ensure worker does not exceed annual maximum working time	Employer	Summary: a fine (Statutory maximum in Scotland or N Ireland)
				6C(2)	Failure to ensure worker does not exceed average weekly maximum working time	Employer	Summary: a fine (Statutory maximum in Scotland or N Ireland)
				6D	Failure to ensure worker does not exceed	Employer	Summary: a fine

					maximum average weekly working time where there are more working days than rest days		(Statutory maximum in Scotland or N Ireland)
7(1)	Failure to provide opportunity for worker health assessment before being assigned night work	Employer	Summary: Statutory maximum	7A(1)	Failure to provide opportunity for worker health assessment before being assigned night work	Employer	Summary: a fine (Statutory maximum in Scotland or N Ireland)
7(4)	Failure to transfer worker from night work to appropriate day work, if available.	Employer	Summary: Statutory maximum	7B(1)	Failure to transfer worker from night work to appropriate day work, if available.	Employer	Summary: a fine (Statutory maximum in Scotland or N Ireland)
				7C	Failure to ensure worker does not exceed maximum hours of night work	Employer	Summary: a fine (Statutory maximum in Scotland or N Ireland)
				7E(1)	Allowing a worker under 18 years of age to work at night, other than as permitted by 7E(2)	Employer	Summary: a fine (Statutory maximum in Scotland or N Ireland)
				7E(3)	Failure to ensure young worker who works at night under 7E(2) is provided with suitable compensatory rest time	Employer	Summary: a fine (Statutory maximum in Scotland or N Ireland)
8	Failure to provide adequate rest breaks where pattern of work	Employer	Summary: Statutory maximum	8	Failure to provide adequate rest breaks where pattern of work	Employer	Summary: a fine

	puts health and safety of worker at risk				puts health and safety of worker at risk		(Statutory maximum in Scotland or N Ireland)
9	Failure to keep adequate record of working time and retain for 2 years	Employer	Summary: Statutory maximum	9(1)	Failure to keep adequate record of working time and retain on board until the end of the reference period	Employer	Summary: a fine (Statutory maximum in Scotland or N Ireland)
				10B(1)	Requiring a worker to work more than 31 days consecutively	Employer	Summary: a fine (Statutory maximum in Scotland or N Ireland)
16	Failure to provide MCA with information requested on night workers	Employer	Summary: Statutory maximum	16	Failure to provide MCA with information requested on night workers	Employer	Summary: a fine (Statutory maximum in Scotland or N Ireland)
<b>REMEDIES (Regulation 18)</b>							
				7(1)	Entitlement of worker to annual free health assessment		
				7E(3)	Young worker who works at night under 7E(2) entitled to suitable compensatory rest time		
10(1)	Worker entitled to adequate rest			10(1)	Worker entitled to adequate rest		
10(3)	Worker entitled to a minimum of 77 hours rest in any 7-day period			10(3)	Worker entitled to minimum of 10 hours rest in any 24 hour		

					period and 84 hours rest in any 7 day period		
				10A(1)	Worker entitled to a rest break		
				10B(2)	Failure to provide the appropriate number of rest days as specified		
11(1)	Entitlement of worker to four weeks paid annual leave			11(1)	Entitlement of worker to four weeks paid annual leave		