

Annex C: Proposed Offences and Penalties recast Merchant Shipping (Safety of Navigation) Regulations

Offence	Existing Regulations		Recast Regulations		Comment on proposed changes
	Party/ies Committing Offence	Penalty (Summary conviction/ conviction on indictment)	Party/ies Committing Offence	Penalty (Summary conviction/ conviction on indictment)	
Proceeding/attempting to proceed on any voyage or excursion without complying with the requirement to carry on board an approved SAR plan (SOLAS V/7.3)	Owner	Fine Statutory Maximum / a fine and-or 2 years imprisonment	Owner, Master	Fine Statutory Maximum / a fine and-or 2 years imprisonment	No change.
Non-compliance with a mandatory ship routing system as established by the IMO (SOLAS V/10.7)	Owner, Master and any other person responsible	Fine Statutory Maximum / a fine and-or 2 years imprisonment	Owner, Master and any other person responsible	Fine Statutory Maximum / a fine and-or 2 years imprisonment	No change.
Failure to adhere with ship mandatory reporting systems and requirements (SOLAS V/11.7)	Master	Fine Statutory Maximum / a fine and-or 2 years imprisonment	Master	Fine Statutory Maximum / a fine and-or 2 years imprisonment	No change.
Failure to install electronic equipment so that it does not interfere with other navigational systems and equipment (SOLAS V/17.2&3)	Owner and Master	Fine Statutory Maximum / a fine and-or 2 years imprisonment	Owner and Master	Fine Statutory Maximum / imprisonment not applicable	Proposal to remove the option of imprisonment as it is considered that a court would not award a term of imprisonment for this offence
Non-compliance with carriage requirements for shipborne navigational systems and equipment (SOLAS V/19)	Owner and Master	Fine Statutory Maximum / a fine and-or 2 years imprisonment	Owner and Master	Fine Statutory Maximum / a fine and-or 2 years imprisonment	No change to the parties committing the offence or to the penalty. However, the offence is extended to include the carriage and use of BNWAS and ECDIS.
Non-compliance with Voyage Data Recorders (VDR) requirements (SOLAS V/20.1)	Owner and Master	Fine Statutory Maximum / a fine and-or 2 years imprisonment	Owner and Master	Fine Statutory Maximum / a fine and-or 2 years imprisonment	No change.

Proceeding/attempting to proceed on any voyage or excursion without complying with the requirements for type approval and conformity to performance standards of navigational equipment and annual performance tests (SOLAS V/18.1-3 & 7-8)	Owner and Master	Fine Statutory Maximum / a fine and-or 2 years imprisonment	Owner and Master	Fine Statutory Maximum / a fine and-or 2 years imprisonment	No change to the parties committing the offence or to the penalty. However, the offence now includes the annual performance testing requirement for AIS.
Proceeding/attempting to proceed on any voyage or excursion without complying with the requirements for Long-Range Identification and Tracking (LRIT) installation and transmission of data. LRIT must also conform to performance standards and be capable of being switched off. (SOLAS V/19-1.4-7)	Owner and Master	Fine Statutory Maximum / a fine and-or 2 years imprisonment	Owner and Master	Fine Statutory Maximum / a fine and-or 2 years imprisonment	No change.
Proceeding/attempting to proceed on any voyage or excursion without complying with the requirements for carriage of the International Code of Signals and Volume III of the International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual. (SOLAS V/21)	Owner and Master	Summary conviction Max. Level 4 Fine / indictment not applicable	Owner and Master	Fine Statutory Maximum / indictment not applicable	Proposal to increase the fine in keeping with the Government's approach of empowering the Courts to take a decision on the appropriate fine.
Proceeding/attempting to proceed on any voyage or excursion without complying with the requirements for navigation bridge visibility. (SOLAS V/22.1&2)	Owner and Master	Summary conviction Max. Level 5 Fine/ indictment not applicable	Owner and Master	Fine Statutory Maximum / indictment not applicable	No change to the parties committing the offence or to the penalty. The cap on Level 5 fines was abolished in 2012 which renders such fines as Statutory Maximum.
Failure to adhere with pilot transfer arrangements. (SOLAS V/23)	Owner, Master or any other person responsible	Fine Statutory Maximum / a fine and-or 2 years imprisonment	Owner, Master or any other person responsible	Fine Statutory Maximum / a fine and-or 2 years imprisonment	No change.
Failure to test manual steering (i) after prolonged use of heading and/or tracking control systems; or (ii) before entering areas	Person directed to undertake tasks	Fine Statutory Maximum / a fine and-or 2 years imprisonment	Master or any person directed to undertake tasks	Fine Statutory Maximum / a fine and-or 2 years imprisonment	Proposal to include the Master as a party committing the offence, as they, having ultimate responsibility for the safety of navigation on board, must ensure (directing others

where navigation demands special caution. (SOLAS V/24.4)					as required that) that this test is undertaken.
Failure to check and test ship's steering gear in accordance with requirements (SOLAS V/26.1&2)	Person directed to undertake tasks	Fine Statutory Maximum / a fine and-or 2 years imprisonment	Master or any person directed to undertake tasks	Fine Statutory Maximum / a fine and-or 2 years imprisonment	Proposal to include the Master as a party committing the offence, as they, having ultimate responsibility for the safety of navigation on board, must ensure (directing others as required that) the check and test is undertaken.
Failure to display in the navigation bridge and steering compartment of change-over procedures for remote steering gear control systems and steering gear power units. (SOLAS V/26.3.1)	Owner	Fine Statutory Maximum / a fine and-or 2 years imprisonment	Owner and Master	Fine Statutory Maximum / indictment not applicable	Proposal to remove the option of imprisonment as it is considered that a court would not award a term of imprisonment for this offence.
Any other contravention of the requirements for use of (i) heading and/or tracking control systems, (ii) operation of steering gear or (iii) steering gear: testing and drills. (SOLAS V/24.1-3, 25 and 26.3.2,4 & 6)	Master	Fine Statutory Maximum / a fine and-or 2 years imprisonment	Master and Person directed to undertake tasks	Fine Statutory Maximum / a fine and-or 2 years imprisonment	Proposal to include person(s) directed to undertake tasks as a party committing the offence, as the Master may direct other persons to undertake tasks to ensure compliance with the requirements.
Proceeding/attempting to proceed on any voyage or excursion without adequate and up to date nautical charts and publications (SOLAS V/27)	Owner and Master	Summary conviction Max. Level 4 Fine/ indictment not applicable	Owner and Master	Summary conviction Fine Statutory Maximum / indictment not applicable	Proposal to increase the fine in keeping with the Government's approach of empowering the Courts to take a decision on the appropriate fine.
Failure to keep a log of navigational activities and incidents that are of importance to safety of navigation and submitting daily reports to its company. (SOLAS V/28)	Master	Fine Statutory Maximum / a fine and-or 2 years imprisonment	Master	Fine Statutory Maximum / a fine and-or 2 years imprisonment	No change to the parties committing the offence or to the penalty. The cap on Level 5 fines was abolished in 2012 which renders such fines as Statutory Maximum.
Failure to ensure availability of illustrated table describing the life-saving signals (SOLAS V/29)	Owner and Master	Summary Max. Level 4 Fine/ indictment not applicable	Owner and Master	Summary Fine Statutory Maximum / indictment not applicable	Proposal to increase the fine in keeping with the Government's approach of empowering the Courts to take a decision on the appropriate fine.

Failure to maintain up to date and make available to the Master the list of operational limits for passenger ships (SOLAS V/30)	Owner	Fine Statutory Maximum / a fine and-or 2 years imprisonment	Owner and Master	Fine Statutory Maximum / a fine and-or 2 years imprisonment	Proposal to include the Master as a party committing the offence, as they, having ultimate responsibility for the safety of navigation on board, must ensure they have access to the list of operational limits for the ship.
Failure to report dangers to navigation (SOLAS V/31.1)	Master	Fine Statutory Maximum / a fine and-or 2 years imprisonment	Owner and Master	Fine Statutory Maximum / a fine and-or 2 years imprisonment	Proposal to increase the fine in keeping with the Government's approach of empowering the Courts to take a decision on the appropriate fine.
Failure to provide assistance to distress situations (SOLAS V/33.1&2)	Master	Fine Statutory Maximum / a fine and-or 2 years imprisonment	Master	Fine Statutory Maximum / a fine and-or 2 years imprisonment	No change.
Proceeding/attempting to proceed on any voyage or excursion without a passage plan (SOLAS V/34.1&2)	Master	Fine Statutory Maximum / a fine and-or 2 years imprisonment	Master	Fine Statutory Maximum / a fine and-or 2 years imprisonment	No change.
Master's Discretion. (SOLAS V/34-1)	Person concerned	Fine Statutory Maximum / a fine and-or 2 years imprisonment	Person concerned	Fine Statutory Maximum / a fine and-or 2 years imprisonment	No change.