



Merchant Shipping Act 1979

1979 CHAPTER 39

Deaths on ships

29 Inquiries as to whether person has died on United Kingdom ship etc.

(1) In section 61 of the Merchant Shipping Act 1970 (which among other things provides for an inquiry into the death of a person in a ship registered in the United Kingdom).—

- (a) at the end of subsection (1)(a) there shall be inserted the words " in a boat or life-raft from such a ship; or "; and
- (b) after subsection (1) there shall be inserted the following subsections—

“(1A) Subject to subsection (4) of this section, where it appears to the Secretary of State that—

- (a) in consequence of an injury sustained or a disease contracted by a person, when he was the master of or a seaman employed in a ship registered in the United Kingdom, he ceased to be employed in the ship and subsequently died ; and
- (b) the death occurred in a country outside the United Kingdom during the period of one year beginning with the day when he so ceased,

the Secretary of State may arrange for an inquiry into the cause of the death to be held by a superintendent or proper officer.

(1B) Subject to subsection (4) of this section, where it appears to the Secretary of State that a person may—

- (a) have died in a ship registered in the United Kingdom or in a boat or life-raft from such a ship; or
- (b) have been lost from such a ship, boat or life-raft and have died in consequence of having been so lost,

the Secretary of State may arrange for an inquiry to be held by a superintendent or proper officer into whether the person died as aforesaid and, if the superintendent or officer finds that he did, into the cause of the death.”

- (2) In subsection (3)(a) of that section (which provides for a report of the findings of an inquiry under that section to be made available to the next of kin of the deceased if the deceased was employed in the ship) for the words " if the deceased person " there shall be substituted the words " if the person to whom the report relates " and for the words " deceased person's name " there shall be substituted the words " name of the person to whom the report relates ".
- (3) In section 97(5) of the said Act of 1970 (which provide! that references in that Act to dying in a ship include dying in a ship's boat and being lost from a ship's boat) after the word " Act" there shall be inserted the words " (except section 61) ".

30 Record of certain deaths on ships etc.

- (1) At the end of subsection (1) of section 72 of the Merchant Shipping Act 1970 (of which paragraph (a) enables regulations to be made requiring the master of a ship registered in the United Kingdom to make a return of any death occurring in the ship and of the death outside the United Kingdom of any person employed in the ship) there shall be inserted the words “; and
- (c) requiring the Registrar General of Shipping and Seamen to record such information as may be specified in the regulations about such a death as is mentioned in paragraph (a) above in a case where it appears to him that the master of the ship cannot perform the duty imposed on him by virtue of that paragraph in respect of the death because he has himself died or is incapacitated or missing and either—
- (i) the death in question has been the subject of an inquest held by the coroner or an inquiry held in pursuance of section 61 of this Act or in pursuance of the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 and the findings of the inquest or inquiry include a finding that the death occurred, or
- (ii) a post-mortem examination, or a preliminary investigation in Northern Ireland, has been made of the deceased's body and in consequence the coroner is satisfied that an inquest is unnecessary, or
- (iii) in Scotland, it does not appear to the Lord Advocate, under section 1(1)(b) of the said Act of 1976, to be expedient in the public interest that an inquiry under that Act should be held.”;
- and in subsection (2) of that section (which enables regulations to require a certified copy of a return under that section to be sent to the appropriate Registrar General concerned with the registration of deaths) after the word "return" there shall be inserted the words " or record ".
- (2) Where—
- (a) an inquest is held on a dead body or touching a death or a post-mortem examination, or a preliminary investigation in Northern Ireland, is made of a dead body as a result of which the coroner is satisfied that an inquest is unnecessary; and
- (b) it appears to the coroner that the death in question is such as is mentioned in paragraph (a) of section 72(1) of the Merchant Shipping Act 1970 or in that paragraph as extended (with or without amendments) by virtue of section 92 of that Act,

it shall be the duty of the coroner to send to the Registrar General of Shipping and Seamen particulars in respect of the deceased of a kind prescribed by regulations made by the Secretary of State.