



Merchant Shipping (Salvage and Pollution) Act 1994 ^{F1} (repealed 1.1.1996)

CHAPTER 28

MERCHANT SHIPPING (SALVAGE AND POLLUTION) ACT 1994 (REPEALED 1.1.1996)

Salvage

- 1 Salvage Convention, 1989 to have force of law.

Marine Pollution

- 2 Power to implement 1990 OPRC Convention.
- 3 Amendments as to powers of implementation.
- 4 Prevention of pollution from ships: further power to implement international agreements.
- 5 Liability and compensation for oil pollution damage: 1992 Protocols.
- 6 Extension of strict liability for oil pollution by ships.
- 7 Extension of rights of Fund by subrogation.
- 8 Functions of Secretary of State in relation to marine pollution.

General

- 9 Expenses.
- 10 Short title, citation, construction, repeals, commencement and extent.

SCHEDULES

- SCHEDULE 1 — INTERNATIONAL CONVENTION ON SALVAGE, 1989
Part I — TEXT OF CONVENTION

CHAPTER I - GENERAL PROVISIONS

ARTICLE 1

DEFINITIONS

ARTICLE 2

APPLICATION OF THE CONVENTION

ARTICLE 3

PLATFORMS AND DRILLING UNITS

ARTICLE 4

STATE-OWNED VESSELS

- 1 Without prejudice to article 5, this Convention shall not apply...
- 2 Where a State Party decides to apply the Convention to...

ARTICLE 5

SALVAGE OPERATIONS CONTROLLED BY PUBLIC AUTHORITIES

- 1 This Convention shall not affect any provisions of national law...
- 2 Nevertheless, salvors carrying out such salvage operations shall be entitled...

ARTICLE 6

SALVAGE CONTRACTS

- 1 This Convention shall apply to any salvage operations save to...
- 2 The master shall have the authority to conclude contracts for...

ARTICLE 7

ANNULMENT AND MODIFICATION OF CONTRACTS

CHAPTER II - PERFORMANCE OF SALVAGE OPERATIONS

ARTICLE 8

DUTIES OF THE SALVOR AND OF THE OWNER AND MASTER

- 1 The salvor shall owe a duty to the owner of...
- 2 The owner and master of the vessel or the owner...

ARTICLE 9

RIGHTS OF COASTAL STATES

ARTICLE 10

DUTY TO RENDER ASSISTANCE

- 1 Every master is bound, so far as he can do...
- 2 The States Parties shall adopt the measures necessary to enforce...

ARTICLE 11

CO-OPERATION

CHAPTER III - RIGHTS OF SALVORS

ARTICLE 12

CONDITIONS FOR REWARD

- 1 Salvage operations which have had a useful result give right...
- 2 Except as otherwise provided, no payment is due under this...

ARTICLE 13

CRITERIA FOR FIXING THE REWARD

- 1 The reward shall be fixed with a view to encouraging...
- 2 Payment of a reward fixed according to paragraph 1 shall...

ARTICLE 14

SPECIAL COMPENSATION

- 1 If the salvor has carried out salvage operations in respect...
- 2 If, in the circumstances set out in paragraph 1, the...
- 4 The total special compensation under this article shall be paid...
- 5 If the salvor has been negligent and has thereby failed...
- 6 Nothing in this article shall affect any right of recourse...

ARTICLE 15

APPORTIONMENT BETWEEN SALVORS

- 1 The apportionment of a reward under article 13 between salvors...
- 2 The apportionment between the owner, master and other persons in...

ARTICLE 16

SALVAGE OF PERSONS

- 1 No remuneration is due from persons whose lives are saved,...
- 2 A salvor of human life, who has taken part in...

ARTICLE 17**SERVICES RENDERED UNDER EXISTING CONTRACTS****ARTICLE 18****THE EFFECT OF SALVOR'S MISCONDUCT****ARTICLE 19****PROHIBITION OF SALVAGE OPERATIONS***CHAPTER IV - CLAIMS AND ACTIONS***ARTICLE 20****MARITIME LIEN**

- 1 Nothing in this Convention shall affect the salvor's maritime lien...
- 2 The salvor may not enforce his maritime lien when satisfactory...

ARTICLE 21**DUTY TO PROVIDE SECURITY**

- 1 Upon the request of the salvor a person liable for...
- 2 Without prejudice to paragraph 1, the owner of the salvaged...
- 3 The salvaged vessel and other property shall not, without the...

ARTICLE 22**INTERIM PAYMENT**

- 1 The tribunal having jurisdiction over the claim of the salvor...
- 2 In the event of an interim payment under this article...

ARTICLE 23**LIMITATION OF ACTIONS**

- 1 Any action relating to payment under this Convention shall be...
- 2 The person against whom a claim is made may at...

ARTICLE 24**INTEREST****ARTICLE 25****STATE-OWNED CARGOES**

ARTICLE 26

HUMANITARIAN CARGOES

ARTICLE 27

PUBLICATION OF ARBITRAL AWARDS

Part II — PROVISIONS HAVING EFFECT IN CONNECTION WITH CONVENTION

Interpretation

1 In this Part of this Schedule any reference to a...

Claims excluded from Convention

2 (1) The provisions of the Convention do not apply—

The reward and special compensation: the common understanding

4 In fixing a reward under article 13 and assessing special...

Recourse for life salvage payment

5 (1) This paragraph applies where— (a) services are rendered wholly...

Meaning of “judicial proceedings”

6 References in the Convention to judicial proceedings are references to...

Meaning of “State Party”

7 (1) An Order in Council made for the purposes of...

SCHEDULE 2 — SALVAGE: CONSEQUENTIAL AND RELATED AMENDMENTS

Merchant Shipping Act 1894

1 (1) The Merchant Shipping Act 1894 shall be amended as...

Maritime Conventions Act 1911

2 (1) The Maritime Conventions Act 1911 shall be amended as...

Crown Proceedings Act 1947

3 In section 8(1) of the Crown Proceedings Act 1947, for...

Administration of Justice Act 1956

4 (1) The Administration of Justice Act 1956 shall be amended...

Merchant Shipping Act 1979

5 In Schedule 4 to the Merchant Shipping Act 1979, in...

Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping (Salvage and Pollution) Act 1994 (repealed 1.1.1996). (See end of Document for details)

Supreme Court Act 1981

- 6 (1) Section 20 of the Supreme Court Act 1981 shall...

County Courts Act 1984

- 7 (1) Section 27 of the County Courts Act 1984 shall...

SCHEDULE 3 — EXTENSION OF STRICT LIABILITY FOR OIL POLLUTION BY SHIPS

Part I — AMENDMENTS OF THE 1971 ACT

- 1 After section 1 of the 1971 Act there shall be...
- 2 After section 2 of the 1971 Act there shall be...
- 3 After section 3 of the 1971 Act there shall be...
- 4 In section 9 (extinguishment of claims), after the words “section...
- 5 In section 15 (liability for cost of preventive measures where...
- 6 In section 20(2) (interpretation of references to the owner of...

Part II — AMENDMENTS OF THE 1971 ACT AS AMENDED BY THE 1988 ACT

- 1 In section 1(2) of the 1971 Act (liability for threat...
- 2 After section 1 of the 1971 Act there shall be...
- 3 In section 2 (exceptions from liability), after the words “section...
- 4 In section 3 (restriction of liability)— (a) in subsection (1)—...
- 5 In section 9 (extinguishment of claims), after the words “section...
- 6 In section 13 (jurisdiction of United Kingdom courts, etc.)—
- 7 In section 15 (liability for cost of preventive measures where...
- 8 In section 20(1) (definitions), in the definition of “ship”, after...

Part III — MODIFICATIONS OF PARTS I AND II

- 1 The section 1A inserted by Part II shall be substituted...
- 2 The section 2A inserted by Part I shall cease to...
- 3 The section 3A inserted by Part I shall cease to...
- 4 The reference to section 1A inserted in section 9 and...

SCHEDULE 4 — Repeals

Changes to legislation:

There are currently no known outstanding effects for the Merchant Shipping (Salvage and Pollution) Act 1994 (repealed 1.1.1996).