

# Merchant Shipping Act 1995

### **CHAPTER 21**

### **MERCHANT SHIPPING ACT 1995**

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### SUBDIVISION LOAD LINES

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Part I — TEXT OF CONVENTION

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### **Definitions**

- 1 (a) "carrier" means a person by or on behalf of...
- 2 "contract of carriage" means a contract made by or on...

- 3 "ship" means only a seagoing vessel, excluding an air-cushion vehicle;...
- 4 "passenger" means any person carried in a ship,
- 5 "luggage" means any article or vehicle carried by the carrier...
- 6 "cabin luggage" means luggage which the passenger has in his...
- 7 "loss of or damage to luggage" includes pecuniary loss resulting...
- 8 "carriage" covers the following periods: (a) with regard to the...
- 9 "international carriage" means any carriage in which, according to the...

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- 1 This Convention shall apply to any international carriage if:
- 2 Notwithstanding paragraph 1 of this Article, this Convention shall not...

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- 2 The burden of proving that the incident which caused the...
- 3 Fault or neglect of the carrier or of his servants...

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- 1 If the performance of the carriage or part thereof has...
- 2 The carrier shall, in relation to the carriage performed by...
- 3 Any special agreement under which the carrier assumes obligations not...
- 4 Where and to the extent that both the carrier and...
- 5 Nothing in this Article shall prejudice any right of recourse...

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- 2 Notwithstanding paragraph 1 of this Article, the national law of...

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Limit of liability for loss of or damage to luggage

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- 1 Where the limits of liability prescribed in Articles 7 and...
- 2 In relation to the carriage performed by a performing carrier,...
- 3 In any case where a servant or agent of the...

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- 1 The carrier shall not be entitled to the benefit of...
- 2 The servant or agent of the carrier or of the...

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- 1 The passenger shall give written notice to the carrier or...
- 2 If the passenger fails to comply with this Article, he...
- 3 The notice in writing need not be given if the...

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- 1 Any action for damages arising out of the death of...
- 2 The limitation period shall be calculated as follows:
- 3 The law of the court seized of the case shall...
- 4 Notwithstanding paragraphs 1, 2 and 3 of this Article, the...

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

Provisions adapting or supplementing specified articles of the Convention

- 2 For the purposes of paragraph 2 of article 2, provisions...
- 3 The reference to the law of the court in article...
- 4 The Secretary of State may by order provide that, in...
- 5 (1) For the purpose of converting from special drawing rights...

- 6 It is hereby declared that by virtue of article 12...
- 7 Article 16 shall apply to an arbitration as it applies...
- 8 The court before which proceedings are brought in pursuance of...

### Other provisions adapting or supplementing the Convention

- 9 Any reference in the Convention to a contract of carriage...
- 10 If Her Majesty by Order in Council declares that any...
- 11 The Secretary of State may by order make provision—

### Application of ss. 185 and 186 of this Act

- 12 It is hereby declared that nothing in the Convention affects...
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SCHEDULE 7 — Convention on Limitation of Liability for Maritime Claims 1976
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### Article 1

### Persons entitled to limit liability

- 1 Shipowners and salvors, as hereinafter defined, may limit their liability...
- 2 The term "shipowner" shall mean the owner, charterer, manager or...
- 3 Salvor shall mean any person rendering services in direct connection...
- 4 If any claims set out in Article 2 are made...
- 5 In this Convention the liability of a shipowner shall include...
- 6 An insurer of liability for claims subject to limitation in...
- 7 The act of invoking limitation of liability shall not constitute...

#### Article 2

### Claims subject to limitation

- 1 Subject to Articles 3 and 4 the following claims, whatever...
- 2 Claims set out in paragraph 1 shall be subject to...

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- 4 The limits of liability for any salvor not operating from...

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- 1 Any person alleged to be liable may constitute a fund...
- 2 A fund may be constituted, either by depositing the sum,...
- 3 A fund constituted by one of the persons mentioned in...

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### Distribution of the fund

- 1 Subject to the provisions of paragraphs 1 and 2 of...
- 2 If, before the fund is distributed, the person liable, or...
- 3 The right of subrogation provided for in paragraph 2 may...
- 4 Where the person liable or any other person establishes that...

#### Article 13

#### Bar to other actions

- Where a limitation fund has been constituted in accordance with...
- 2 After a limitation fund has been constituted in accordance with...
- 3 The rules of paragraphs 1 and 2 shall apply only...

#### Article 14

### Governing law

### CHAPTER IV.

### SCOPE OF APPLICATION

#### Article 15

### Part II — PROVISIONS HAVING EFFECT IN CONNECTION WITH CONVENTION

### *Interpretation*

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

#### Right to limit liability

2 The right to limit liability under the Convention shall apply...

### Claims subject to limitation

3 (1) Paragraph 1(d) of article 2 shall not apply unless...

### Claims excluded from limitation

4 (1) The claims excluded from the Convention by paragraph (a)...

### The general limits

5 (1) In the application of article 6 to a ship...

### Limit for passenger claims

6 (1) In the case of a ship for which there...

### Units of Account

7 (1) For the purpose of converting the amounts mentioned in...

### Constitution of fund

8 (1) The Secretary of State may, with the concurrence of...

### Distribution of fund

9 No lien or other right in respect of any ship...

#### Bar to other actions

10 Where the release of a ship or other property is...

### Meaning of "court"

11 References in the Convention and the preceding provisions of this...

### Meaning of "ship"

12 References in the Convention and in the preceding provisions of...

### Meaning of "State Party"

13 An Order in Council made for the purposes of this...

#### SCHEDULE 8 — Commissioners of Northern Lighthouses

- 1 (1) The Commissioners of Northern Lighthouses shall continue to exist...
- 2 (1) The Commissioners may elect, as members of their body,...
- 3 A person appointed by the Secretary of State under paragraph...
- 4 (1) Any five of the Commissioners shall constitute a guorum....
- 5 In this Schedule "council" means a council constituted under section...

### SCHEDULE 9 — General Transfer of Local Lighthouses to Harbour Authorities

- 1 (1) Before such date as may be specified in a...
- 2 (1) The proposals submitted by each general lighthouse authority shall
- 3 Before submitting any proposals under paragraph 1 above a general...
- 4 (1) The Secretary of State may make such modifications of...
- 5 On such day as the Secretary of State may by...

### SCHEDULE 10 — Local Light Dues: Objections

### SCHEDULE 11 — International Convention on Salvage 1989

Part I — TEXT OF CONVENTION

### CHAPTER I — GENERAL PROVISIONS

#### **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...
- 3 The extent to which a public authority under a duty...

### 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...
- 3 Nothing in this article shall affect the application of article...

### 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...

#### 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...
- 3 The owner of the vessel shall incur no liability for...

#### 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...
- 3 This chapter shall apply, notwithstanding that the salved vessel and...

### 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...
- 3 The rewards, exclusive of any interest and recoverable legal costs...

#### 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...
- 3 Salvor's expenses for the purpose of paragraphs 1 and 2...
- 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...

### 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 salved...
- 3 The salved 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...
- 3 An action for indemnity by a person liable may be...

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 "the Convention" means the...

Claims excluded from Convention

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

Assistance to persons in danger at sea

3 (1) The master of a vessel who fails to comply...

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 12 — Repeals

SCHEDULE 13 — Consequential Amendments

General Pier and Harbour Act 1861 Amendment Act 1862 (c. 19)

1 In section 21 of the General Pier and Harbour Act...

Sea Fisheries Act 1868 (c. 45)

2 For section 26 of the Sea Fisheries Act 1868 substitute—...

### Lloyd's Act 1871 (c. xxi)

3 In section 41 of the Lloyd's Act 1871, for "Merchant...

*Slave Trade Act 1873 (c. 88)* 

4 In section 26 of the Slave Trade Act 1873, for...

*Explosives Act 1875 (c. 17)* 

5 In the Explosives Act 1875— (a) in section 58(b), for...

Explosive Substances Act 1883 (c. 3)

6 In section 8(2) of the Explosive Substances Act 1883, for...

Submarine Telegraph Act 1885 (c. 49)

7 In the Submarine Telegraph Act 1885— (a) in section 5(1),...

Foreign Jurisdiction Act 1890 (c. 37)

8 In Schedule 1 to the Foreign Jurisdiction Act 1890, at...

Fisheries Act 1891 (c. 37)

9 In section 2(1) of the Fisheries Act 1891, for "in...

Commissioners for Oaths Act 1891 (c. 50)

10 In section 1 of the Commissioners for Oaths Act 1891,...

Seal Fisheries (North Pacific) Act 1895 (c. 21)

11 In the Seal Fisheries (North Pacific) Act 1895—

Seal Fisheries (North Pacific) Act 1912 (c. 10)

12 In section 3 of the Seal Fisheries (North Pacific) Act...

*Trustee Act 1925 (c. 19)* 

13 In section 51(6) of the Trustee Act 1925, for "Acts...

Whaling Industry (Regulations) Act 1934 (c. 49)

14 In section 17(1) of the Whaling Industry (Regulations) Act 1934,...

Public Health Act 1936 (c. 49)

15 In section 343(1) of the Public Health Act 1936, in...

Public Health (Drainage of Trade Premises) Act 1937 (c. 40)

16 In section 14 of the Public Health (Drainage of Trade...

Superannuation (Various Services) Act 1938 (c. 13)

17 In Part I of the Schedule to the Superannuation (Various...

### Compensation (Defence) Act 1939 (c. 75)

18 In section 17(1) of the Compensation (Defence) Act 1939, in...

Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939 (c. 83)

19 In the Pensions (Navy, Army, Air Force and Mercantile Marine)...

Public Health (Scotland) Act 1945 (c. 15)

20 In section 1(8) of the Public Health (Scotland) Act 1945,...

Crown Proceedings Act 1947 (c. 44)

21 In section 38(2) of the Crown Proceedings Act 1947—

British Nationality Act 1948 (c. 56)

22 In section 3(1) of the British Nationality Act 1948, for...

Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1948 (c. 23 (N.I.))

23 In section 4(2) of the Law Reform (Miscellaneous Provisions) Act...

Wireless Telegraphy Act 1949 (c. 54)

24 In section 19(7) of the Wireless Telegraphy Act 1949, for...

Coast Protection Act 1949 (c. 74)

25 In section 49(1) of the Coast Protection Act 1949, in...

Registered Designs Act 1949 (c. 88)

26 In section 8(6), at the end insert "and, in the...

Rivers (Prevention of Pollution) (Scotland) Act 1951 (c. 66)

27 In section 29(4) of the Rivers (Prevention of Pollution) (Scotland)...

Post Office Act 1953 (c. 36)

28 In section 29(1) of the Post Office Act 1953—

Administration of Justice Act 1956 (c. 46)

29 (1) The Administration of the Justice Act 1956 shall be...

Trustee Act (Northern Ireland) 1958 (c. 23 (N.I.))

30 In section 51(7) of the Trustee Act (Northern Ireland) 1958,...

Factories Act 1961 (c. 34)

31 In section 176(1) of the Factories Act 1961, for the...

Pipe-Lines Act 1962 (c. 58)

32 In section 39(4) of the Pipe-Lines Act 1962, for "section...

### Harbours Act 1964 (c. 40)

33 In section 57(1) of the Harbours Act 1964—

Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 (c. 19 (N.I.))

34 In section 6(1)(c) of the Contracts of Employment and Redundancy...

Factories Act (Northern Ireland) 1965 (c. 20 (N.I.))

35 In section 176(1) of the Factories Act (Northern Ireland) 1965,...

Fisheries Act (Northern Ireland) 1966 (c. 17 (N.I.))

36 In the Fisheries Act (Northern Ireland) 1966—

Finance Act 1966 (c. 18)

37 In section 2(5)(a) of the Finance Act 1966, for "Merchant...

Sea Fish (Conservation) Act 1967 (c. 84)

38 In the Sea Fish (Conservation) Act 1967—

Public Health Act (Northern Ireland) 1967 (c. 36 (N.I.))

39 In section 32 of the Public Health Act (Northern Ireland)...

Consular Relations Act 1968 (c. 18)

40 In the Consular Relations Act 1968—(a) in section 13(3),...

Countryside Act 1968 (c. 41)

41 In section 13(6)(a) of the Countryside Act 1968, for "Merchant...

Hovercraft Act 1968 (c. 59)

42 In section 1(1)(i) of the Hovercraft Act 1968—

Sea Fisheries Act 1968 (c. 77)

43 In the Sea Fisheries Act 1968— (a) in section 8(6)—...

Harbours Act (Northern Ireland) 1970 (c. 1 (N.I.))

44 In Part II of Schedule 1 to the Harbours Act...

Carriage of Goods by Sea Act 1971 (c. 19)

45 (1) The Carriage of Goods by Sea Act 1971 shall...

Attachment of Earnings Act 1971 (c. 32)

46 In section 24(3) of the Attachment of Earnings Act 1971,...

Industry Act 1972 (c. 63)

47 In section 12(2)(a) of the Industry Act 1972, for "1...

Education (Work Experience) Act 1973 (c. 23)

48 In section 1(2)(b) of the Education (Work Experience) Act 1973,...

Fishery Limits Act 1976 (c. 86)

49 In section 8 of the Fishery Limits Act 1976—

Aircraft and Shipbuilding Industry Act 1977 (c. 3)

50 In paragraph 5(1)(a) of Schedule 2 to the Aircraft and...

Rates (Northern Ireland) Order 1977 (S.I. 1977/2157 (NI 28))

51 In the Rates (Northern Ireland) Order 1977—

Judicature (Northern Ireland) Act 1978 (c. 23)

52 In section 46 of the Judicature (Northern Ireland) Act 1978,...

Customs and Excise Management Act 1979 (c. 2)

53 (1) The Customs and Excise Management Act 1979 shall be...

Hydrocarbon Oil Duties Act 1979 (c. 5)

54 In section 19(1)(a) of the Hydrocarbon Oil Duties Act 1979,...

Magistrates' Courts Act 1980 (c. 43)

55 After section 3 of the Magistrates' Courts Act 1980 insert...

Education (Scotland) Act 1980 (c. 44)

56 In section 123(2)(b) of the Education (Scotland) Act 1980, for...

Private Streets (Northern Ireland) Order 1980 (S.I. 1980/1086 (NI 12))

57 In Article 2(2) of the Private Streets (Northern Ireland) Order...

Animal Health Act 1981 (c. 22)

58 In the Animal Health Act 1981— (a) in section 49(4),...

Supreme Court Act 1981 (c. 54)

59 (1) The Supreme Court Act 1981 shall be amended as...

Judgments Enforcement (Northern Ireland) Order 1981 (S.I. 1981/226 (NI 6))

60 In the Judgments Enforcement (Northern Ireland ) Order 1981—

Clean Air (Northern Ireland) Order 1981 (S.I. 1981/158 (NI 14))

61 In Article 29(6) of the Clean Air (Northern Ireland) Order...

Diseases of Animals (Northern Ireland) Order 1981 (S.I. 1981/1115 (NI 22))

62 In Article 48(3) of the Diseases of Animals (Northern Ireland)...

### Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (NI 26))

63 After Article 17 of the Magistrates' Courts Order 1981 insert...

Civil Aviation Act 1982 (c. 16)

64 In the Civil Aviation Act 1982—(a) in section 75(6),...

Oil and Gas (Enterprise) Act 1982 (c. 23)

65 In the Oil and Gas (Enterprise) Act 1982—

Civil Jurisdiction and Judgments Act 1982 (c. 27)

66 In the Civil Jurisdiction and Judgments Act 1982—

Civic Government (Scotland) Act 1982 (c. 45)

67 In section 38(4)(a) of the Civic Government (Scotland) Act 1982,...

British Fishing Boats Act 1983 (c. 8)

68 In section 9 of the British Fishing Boats Act 1983—...

Public Health (Control of Disease) Act 1984 (c. 22)

69 In the Public Health (Control of Disease) Act 1984—

Inshore Fishing (Scotland) Act 1984 (c. 26)

70 In section 9(1) of the Inshore Fishing (Scotland) Act 1984—...

Road Traffic Regulation Act 1984 (c. 27)

71 In section 133(1) of the Road Traffic Regulation Act 1984,...

County Courts Act 1984 (c. 28)

72 (1) The County Courts Act 1984 shall be amended as...

Repatriation of Prisoners Act 1984 (c. 47)

73 In section 5(6) of the Repatriation of Prisoners Act 1984,...

Dangerous Vessels Act 1985 (c. 22)

74 In section 2(b) of the Dangerous Vessels Act 1985, for...

Food and Environment Protection Act 1985 (c. 48)

75 In section 24(1) of the Food and Environment Protection Act...

Protection of Military Remains Act 1986 (c. 35)

76 In section 9 of the Protection of Military Remains Act...

Wages Act 1986 (c. 48)

77 In section 30(3) of the Wages Act 1986, for "Merchant...

### Petroleum Act 1987 (c. 12)

78 In section 23(8) of the Petroleum Act 1987, for "16(2)...

Debtors (Scotland) Act 1987 (c. 18)

79 In section 73(4) of the Debtors (Scotland) Act 1987—

Pilotage Act 1987 (c. 21)

80 In the Pilotage Act 1987— (a) in section 22—

Channel Tunnel Act 1987 (c. 53)

81 In Part III of Schedule 7 to the Channel Tunnel...

Norfolk and Suffolk Broads Act 1988 (c. 4)

82 In section 25(1) of the Norfolk and Suffolk Broads Act...

Local Government Finance Act 1988 (c. 41)

83 In Schedule 5 to the Local Government Finance Act 1988,...

Copyright, Designs and Patents Act 1988 (c. 48)

84 In the Copyright, Designs and Patents Act 1988—

Road Traffic Act 1988 (c. 52)

85 In section 144(2)(c) of the Road Traffic Act 1988, for...

Wages (Northern Ireland) Order 1988 (S.I. 1988/796 (NI 7))

86 In Article 26(3) of the Wages (Northern Ireland) Order 1988,...

Criminal Justice (International Co-operation) Act 1990 (c. 5)

87 In section 5(7) of the Criminal Justice (International Co-operation) Act...

Aviation and Maritime Security Act 1990 (c. 31)

88 (1) The Aviation and Maritime Security Act 1990 shall be...

Water Industry Act 1991 (c. 56)

89 In the Water Industry Act 1991— (a) in section 121(6),...

Water Resources Act 1991 (c. 57)

90 In section 221(1) of the Water Resources Act 1991—

Land Drainage Act 1991 (c. 59)

91 In the Land Drainage Act 1991— (a) in section 12(7),...

Dangerous Vessels (Northern Ireland) Order 1991 (S.I. 1991/1219 (NI 10))

92 In Article 4(b) of the Dangerous Vessels (Northern Ireland) Order...

Judicial Pensions and Retirement Act 1993 (c. 8)

93 In the Judicial Pensions and Retirement Act 1993—

Clean Air Act 1993 (c. 11)

94 In the Clean Air Act 1993— (a) in section 46(6),...

Value Added Tax Act 1994 (c. 23)

95 In section 33(3)(h), for "Part XI of the Merchant Shipping...

SCHEDULE 14 — Transitory, Saving and Transitional Provisions

Extra-territorial provisions

1 (1) Without prejudice to section 315(1), the repeals made by...

References to registration in other legislation

2 Any reference in an enactment in any other Act (not...

Qualifications: certificates of A.B.

3 (1) A seaman engaged in any United Kingdom ship shall...

Manning: certificates existing in 1979

4 (1) The power to make regulations under section 47 includes...

Masters and seamen: postponed commencements

5 (1) No provision to which this paragraph applies shall have...

Masters and seamen and documents: transitory provisions

6 (1) A provision to which this paragraph applies shall cease...

Safety provisions: saving of instruments, etc

7 (1) Notwithstanding the repeal by the Merchant Shipping (Registration, etc.)...

Oil pollution: saving for certain transitional provisions

8 Notwithstanding the repeal of section 38 of the Merchant Shipping...

Lighthouses: dependencies

9 (1) Section 193(5) shall cease to have effect on such...

Lighthouses: Scotland

10 Prior to the commencement of paragraph 7 of Schedule 13...

Wreck and salvage: Cinque ports

11 Nothing in Part IX shall prejudice or affect any jurisdiction...

### Wreck: Liability for damage in case of plundered vessel in Scotland

12 Prior to the commencement of paragraph 1 of Schedule 13...

### Behring Sea Award

13 Nothing in this Act shall affect the Behring Sea Award...

### Table of Derivations

- 1 Notes
- 2 The following abbreviations are used in the Table:— Acts of...
- 3 By the Transfer of Functions (Trade and Industry) Order 1983,...
- 4 By Schedule 1, paragraph 1 to the Customs and Excise...
- 5 Schedule 4, paragraph 2 of the 1993 Act effected general...
- 6 The general conversion of then-existing fines in terms of amounts...
- 7 As regards offences, paragraph 74 of Schedule 4 to the...
- 8 Section 1(1)(c) of the Merchant Shipping (Mercantile Marine Fund) Act...