

SCHEDULES

SCHEDULE 1

Section 16.

PRIVATE LAW PROVISIONS FOR REGISTERED SHIPS

General

- 1 (1) Subject to any rights and powers appearing from the register to be vested in any other person, the registered owner of a ship or of a share in a ship shall have power absolutely to dispose of it provided the disposal is made in accordance with this Schedule and registration regulations.
- (2) Sub-paragraph (1) above does not imply that interests arising under contract or other equitable interests cannot subsist in relation to a ship or a share in a ship; and such interests may be enforced by or against owners and mortgagees of ships in respect of their interest in the ship or share in the same manner as in respect of any other personal property.
- (3) The registered owner of a ship or of a share in a ship shall have power to give effectual receipts for any money paid or advanced by way of consideration on any disposal of the ship or share.

Transfers etc of registered ships

- 2 (1) Any transfer of a registered ship, or a share in such a ship, shall be effected by a bill of sale satisfying the prescribed requirements, unless the transfer will result in the ship ceasing to have a British connection.
 - (2) Where any such ship or share has been transferred in accordance with sub-paragraph (1) above, the transferee shall not be registered as owner of the ship or share unless—
 - (a) he has made the prescribed application to the registrar; and
 - (b) the registrar is satisfied that the ship retains a British connection and that he would not refuse to register the ship.
 - (3) If an application under sub-paragraph (2) above is granted by the registrar, the registrar shall register the bill of sale in the prescribed manner.
 - (4) Bills of sale shall be registered in the order in which they are produced to the registrar for the purposes of registration.
- 3 (1) Where a registered ship, or a share in a registered ship, is transmitted to any person by any lawful means other than a transfer under paragraph 2 above and the ship continues to have a British connection, that person shall not be registered as owner of the ship or share unless—
 - (a) he has made the prescribed application to the registrar; and
 - (b) the registrar is satisfied that the ship retains a British connection and that he would not refuse to register the ship.

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- (2) If an application under sub-paragraph (1) is granted by the registrar, the registrar shall cause the applicant's name to be registered as owner of the ship or share.
- 4 (1) Where the property in a registered ship or share in a registered ship is transmitted to any person by any lawful means other than a transfer under paragraph 2 above, but as a result the ship no longer has a British connection, the High Court or in Scotland the Court of Session may, on application by or on behalf of that person, order a sale of the property so transmitted and direct that the proceeds of sale, after deducting the expenses of the sale, shall be paid to that person or otherwise as the court direct.
- (2) The court may require any evidence in support of the application they think requisite, and may make the order on any terms and conditions they think just, or may refuse to make the order, and generally may act in the case as the justice of the case requires.
- (3) Every such application must be made within the period of 28 days beginning with the date of the occurrence of the event on which the transmission has taken place, or within such further time (not exceeding one year) as the court may allow.
- (4) If—
- (a) such an application is not made within the time allowed by or under sub-paragraph (3) above; or
 - (b) the court refuse an order for sale,
- the ship or share transmitted shall be liable to forfeiture.
- 5 (1) Where any court (whether under paragraph 4 above or otherwise) order the sale of any registered ship or share in a registered ship, the order of the court shall contain a declaration vesting in some named person the right to transfer the ship or share.
- (2) The person so named shall be entitled to transfer the ship or share in the same manner and to the same extent as if he were the registered owner of the ship or share.
- (3) The registrar shall deal with any application relating to the transfer of the ship or share made by the person so named as if that person were the registered owner.
- 6 (1) The High Court or in Scotland the Court of Session may, if they think fit (without prejudice to the exercise of any other power), on the application of any interested person, make an order prohibiting for a specified time any dealing with a registered ship or share in a registered ship.
- (2) The court may make the order on any terms or conditions they think just, or may refuse to make the order, or may discharge the order when made (with or without costs or, in Scotland, expenses) and generally may act in the case as the justice of the case requires.
- (3) The order, when a copy is served on the registrar, shall be binding on him whether or not he was made a party to the proceedings.

Mortgages of registered ships

- 7 (1) A registered ship, or share in a registered ship, may be made a security for the repayment of a loan or the discharge of any other obligation.
- (2) The instrument creating any such security (referred to in the following provisions of this Schedule as a "mortgage") shall be in the form prescribed by or approved under registration regulations.

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- (3) Where a mortgage executed in accordance with sub-paragraph (2) above is produced to the registrar, he shall register the mortgage in the prescribed manner.
- (4) Mortgages shall be registered in the order in which they are produced to the registrar for the purposes of registration.

Priority of registered mortgages

- 8 (1) Where two or more mortgages are registered in respect of the same ship or share, the priority of the mortgagees between themselves shall, subject to sub-paragraph (2) below, be determined by the order in which the mortgages were registered (and not by reference to any other matter).
- (2) Registration regulations may provide for the giving to the registrar by intending mortgagees of “priority notices” in a form prescribed by or approved under the regulations which, when recorded in the register, determine the priority of the interest to which the notice relates.

Registered mortgagee’s power of sale

- 9 (1) Subject to sub-paragraph (2) below, every registered mortgagee shall have power, if the mortgage money or any part of it is due, to sell the ship or share in respect of which he is registered, and to give effectual receipts for the purchase money.
- (2) Where two or more mortgagees are registered in respect of the same ship or share, a subsequent mortgagee shall not, except under an order of a court of competent jurisdiction, sell the ship or share without the concurrence of every prior mortgagee.

Protection of registered mortgagees

- 10 Where a ship or share is subject to a registered mortgage then—
 - (a) except so far as may be necessary for making the ship or share available as a security for the mortgage debt, the mortgagee shall not by reason of the mortgage be treated as owner of the ship or share; and
 - (b) the mortgagor shall be treated as not having ceased to be owner of the ship or share.

Transfer of registered mortgage

- 11 (1) A registered mortgage may be transferred by an instrument made in the form prescribed by or approved under registration regulations.
- (2) Where any such instrument is produced to the registrar, the registrar shall register the transferee in the prescribed manner.

Transmission of registered mortgage by operation of law

- 12 Where the interest of a mortgagee in a registered mortgage is transmitted to any person by any lawful means other than by a transfer under paragraph 11 above, the registrar shall, on production of the prescribed evidence, cause the name of that person to be entered in the register as mortgagee of the ship or share in question.

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Discharge of registered mortgage

- 13 Where a registered mortgage has been discharged, the registrar shall, on production of the mortgage deed and such evidence of the discharge of the mortgage as may be prescribed, cause an entry to be made in the register to the effect that the mortgage has been discharged.

Definitions

- 14 In this Schedule—
“mortgage” shall be construed in accordance with paragraph 7(2) above;
“prescribed” means prescribed in registration regulations; and
“registered mortgage” means a mortgage registered under paragraph 7(3) above.

SCHEDULE 2

Section 88.

REGULATIONS RELATING TO SUBMERSIBLE AND SUPPORTING APPARATUS

- 1 (1) In this Schedule “regulations” means regulations made under section 88 and “prescribed” means prescribed by regulations.
(2) Nothing in this Schedule shall be taken to prejudice the generality of section 88.

Registration of submersible apparatus

- 2 Regulations made by virtue of section 88(2)(e) of this Act may make provision—
(a) for all matters relevant to the maintenance of a register of submersible apparatus,
(b) without prejudice to sub-paragraph (a) above, for the period for which any registration or exemption is to remain effective without renewal, the alteration or cancellation in any prescribed circumstances of registration or exemption or of any conditions attached thereto, the person by whom and manner in which applications in connection with any registration or exemption are to be made, and information and evidence to be furnished in connection with any such application,
(c) for the marking or other means of identification of any submersible apparatus,
(d) for the issue of certificates of registration or exemption, and the custody, surrender, production or display of the certificates or copies of them,
(e) for matters arising out of the termination of any registration or exemption, or any conditions attached thereto.

Offences

- 3 (1) Subject to sub-paragraph (2) below, regulations—
(a) may provide for the creation of offences and for their punishment on summary conviction or on conviction on indictment, and
(b) may afford, in respect of any description of offence created by the regulations, such defence (if any) as may be prescribed.

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- (2) The punishment for an offence created by regulations shall be—
- (a) on summary conviction, a fine not exceeding the statutory maximum,
 - (b) on conviction on indictment, imprisonment for a term not exceeding two years, or a fine, or both,
- but without prejudice to any further restriction contained in the regulations on the punishments which can be awarded and without prejudice to the exclusion by the regulations of proceedings on indictment.

Exemptions from regulations

- 4 (1) The operation of any regulations may be excluded in whole or in part in relation to any class or description of submersible or supporting apparatus by regulations, or in relation to any particular apparatus by the direction of the Secretary of State given in such manner as he thinks appropriate.
- (2) Any exemption or exclusion by regulations or by directions of the Secretary of State under this paragraph may be made subject to the imposition of conditions specified by the regulations or directions.
- (3) Where, in pursuance of this paragraph, a person is exempted or excluded from the requirements of the provisions of regulations but subject to a condition, and the condition is not observed, the exemption or exclusion shall not have effect, and accordingly proceedings may be brought in respect of any offence created by the regulations.

General

- 5 Regulations—
- (a) may provide for their operation anywhere outside the United Kingdom and for their application to persons, whether or not Commonwealth citizens, and to companies, whether or not incorporated under the law of any part of the United Kingdom;
 - (b) may provide that in any proceedings for an offence under the regulations (other than proceedings to which sub-paragraph (c) below applies) an averment in any process of the fact that anything was done or situated within United Kingdom waters shall, until the contrary is proved, be sufficient evidence of that fact as stated in the averment;
 - (c) may provide that in any proceedings in Scotland for an offence under the regulations a statement in any complaint or indictment of any such fact as is mentioned in sub-paragraph (b) above shall, until the contrary is proved, be sufficient evidence of the fact as so stated;
 - (d) may provide that proceedings for an offence under the regulations may be taken, and the offence be treated for all incidental purposes as having been committed, in any place in the United Kingdom;
 - (e) may provide for any provisions of Part XI relating to inquiries and investigations into marine accidents to apply (with such modifications as may be specified) in relation to accidents involving any submersible apparatus which is not a ship as they apply to ships;
 - (f) may provide that specified provisions of any enactment (other than section 88 and this Schedule) shall, in such circumstances as may be

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- prescribed, not have effect in relation to such class or description of, or to such particular, submersible or supporting apparatus as may be prescribed;
- (g) may make different provision for different classes or descriptions of submersible or supporting apparatus and for different circumstances;
 - (h) may contain such supplemental and incidental provisions as appear to the Secretary of State to be expedient.

SCHEDULE 3

Section 89.

LOAD LINES

GENERAL PROVISIONS

Ships to which Schedule applies

- 1 This Schedule applies to all ships except—
- (a) ships of war;
 - (b) ships solely engaged in fishing; and
 - (c) pleasure yachts.

Load Line rules

- 2 (1) The Secretary of State shall make rules in accordance with the following provisions of this Schedule (referred to as “the load line rules”); and in making those rules the Secretary of State shall have regard in particular to the Convention of 1966.
- (2) The load line rules shall make provision—
- (a) for the surveying and periodical inspection of ships to which this Schedule applies;
 - (b) for determining freeboards to be assigned from time to time to such ships;
 - (c) for determining, in relation to any such ship, the deck which is to be taken to be the freeboard deck of the ship, and for requiring the position of that deck to be indicated on each side of the ship by a mark of a description prescribed by the rules; and
 - (d) for determining, by reference to that mark and the freeboards for the time being assigned to any such ship, the positions in which each side of the ship is to be marked with lines of a description prescribed by the rules, indicating the various maximum depths to which the ship may be loaded in circumstances prescribed by the rules.
- (3) The load line rules shall include the following provisions—
- (a) provisions specifying such requirements in respect of the hulls, superstructures, fittings and appliances of ships to which this Schedule applies as appear to the Secretary of State to be relevant to the assignment of freeboards to such ships;
 - (b) provisions whereby, at the time when freeboards are assigned to a ship in accordance with the load line rules, such particulars relating to those requirements as may be determined in accordance with the rules are to be recorded in such manner as may be so determined; and

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- (c) provisions for determining by reference to those requirements and that record whether, at any time after freeboards have been so assigned to a ship and while they continue to be so assigned, the ship is for the purposes of this Schedule to be taken to comply, or not to comply, with the conditions of assignment;
- and those provisions shall be set out separately in the load line rules under the title of “rules as to conditions of assignment”.
- (4) The load line rules shall also include provisions requiring such information relating to the stability of any ship to which freeboards are assigned thereunder, and such information relating to the loading and ballasting of any such ship, as may be determined in accordance with the rules to be provided for the guidance of the master of the ship in such manner as may be so determined.
- (5) In relation to any matter authorised or required by this Schedule to be prescribed by the load line rules, those rules may make different provision by reference to (or to any combination of) any of the following, that is to say, different descriptions of ships, different areas, different seasons of the year and any other different circumstances.
- (6) Except in so far as the context otherwise requires, in this Schedule “deck-line” means such a mark as is referred to in sub-paragraph (2)(c) above, and “load lines” means such lines as are referred to in sub-paragraph (2)(d) above.

UNITED KINGDOM SHIPS

COMPLIANCE WITH LOAD LINE RULES

- 3 (1) Subject to any exemption conferred by or under this Schedule, no United Kingdom ship to which this Schedule applies shall proceed or attempt to proceed to sea unless—
- (a) the ship has been surveyed in accordance with the load line rules;
 - (b) the ship is marked with a deck-line and with load lines in accordance with those rules;
 - (c) the ship complies with the conditions of assignment; and
 - (d) the information required by those rules to be provided as mentioned in paragraph 2(4) of this Schedule is provided for the guidance of the master of the ship in the manner determined in accordance with the rules.
- (2) If any ship proceeds or attempts to proceed to sea in contravention of sub-paragraph (1) above, the owner or master of the ship shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine.
- (3) Any ship which in contravention of sub-paragraph (1) above attempts to proceed to sea without being surveyed and marked as mentioned in sub-paragraph (1)(a) and (b) above may be detained until it has been so surveyed and marked.
- (4) Any such ship as is mentioned in sub-paragraph (1) above which does not comply with the conditions of assignment shall be deemed to be dangerously unsafe for the purposes of sections 95, 96 and 97.

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Submersion of load lines

- 4 (1) Where a United Kingdom ship to which this Schedule applies is marked with load lines, the ship shall not be so loaded that—
- (a) if the ship is in salt water and has no list, the appropriate load line on each side of the ship is submerged, or
 - (b) in any other case, the appropriate load line on each side of the ship would be submerged if the ship were in salt water and had no list.
- (2) If any ship is loaded in contravention of sub-paragraph (1) above, the owner or master of the ship shall (subject to sub-paragraph (5) below) be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum and to such additional fine, not exceeding an amount calculated in accordance with sub-paragraph (3) below, as the court thinks fit to impose, having regard to the extent to which the earning capacity of the ship was increased by reason of the contravention;
 - (b) on conviction on indictment, to a fine.
- (3) Any additional fine imposed under sub-paragraph (2)(a) above shall not exceed £1,000 for each complete centimetre by which—
- (a) in a case falling within sub-paragraph (1)(a) above, the appropriate load line on each side of the ship was submerged, or
 - (b) in a case falling within sub-paragraph (1)(b) above, the appropriate load line on each side of the ship would have been submerged as therein mentioned.
- (4) If the master of a ship takes the ship to sea when it is loaded in contravention of sub-paragraph (1) above, or if any other person, having reason to believe that the ship is so loaded, sends or is party to sending the ship to sea when it is loaded in contravention of that sub-paragraph, then (without prejudice to any fine to which he may be liable in respect of an offence under sub-paragraph (2) above) he shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine.
- (5) Where a person is charged with an offence under sub-paragraph (2) above, it shall be a defence to prove that the contravention was due solely to deviation or delay and that the deviation or delay was caused solely by stress of weather or other circumstances which neither the master nor the owner nor the charterer (if any) could have prevented or forestalled.
- (6) Without prejudice to any proceedings under the preceding provisions of this paragraph, any ship which is loaded in contravention of sub-paragraph (1) above may be detained until it ceases to be so loaded.
- (7) For the purposes of the application of this paragraph to a ship in any circumstances prescribed by the load line rules in accordance with paragraph 2(2)(d) of this Schedule, “the appropriate load line” means the load line which, in accordance with those rules, indicates the maximum depth to which the ship may be loaded in salt water in those circumstances.

Miscellaneous offences in relation to marks

- 5 Where a United Kingdom ship to which this Schedule applies is marked in accordance with any requirements as to marking imposed by or under this Schedule, then if—

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- (a) the owner or master of the ship fails without reasonable excuse to keep the ship so marked, or
- (b) any person conceals, removes, alters, defaces or obliterates, or causes or permits any person under his control to conceal, remove, alter, deface or obliterate, any mark with which the ship is so marked, except where he does so under the authority of a person empowered under the load line rules to authorise him for that purpose,

he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Issue of load line certificates

- 6
- (1) Where a United Kingdom ship to which this Schedule applies has been surveyed and marked in accordance with the load line rules, the appropriate certificate shall be issued to the owner of the ship on his application.
 - (2) For the purposes of this paragraph the appropriate certificate—
 - (a) in the case of a pre-1966 Convention ship of not less than 150 tons gross tonnage, and in the case of a post-1966 Convention ship of not less than 24 metres in length, is a certificate which shall continue to be called an “International Load Line Certificate (1966)”, and
 - (b) in the case of any other ship, is a certificate which shall continue to be called a “United Kingdom load line certificate”.
 - (3) Subject to sub-paragraph (4) below, any certificate required by sub-paragraph (1) above to be issued—
 - (a) shall be issued by the Secretary of State or by a person authorised for that purpose by the Secretary of State, and
 - (b) shall be in such form, and shall be issued in such manner, as may be prescribed by the load line rules.
 - (4) The Secretary of State may request a Contracting Government, other than Her Majesty’s Government in the United Kingdom, to issue an International Load Line Certificate (1966) in respect of any ship to which this Schedule applies which is a United Kingdom ship falling within sub-paragraph (2)(a) above; and the following provisions of this Schedule shall have effect in relation to such a certificate so issued, which contains a statement that it has been issued at the request of Her Majesty’s Government in the United Kingdom, as they have effect in relation to an International Load Line Certificate (1966) issued by the Secretary of State.

Effect of load line certificate

- 7
- Where a certificate, issued in pursuance of paragraph 6 and for the time being in force, is produced in respect of the ship to which the certificate relates—
- (a) the ship shall be deemed to have been surveyed in accordance with the load line rules, and
 - (b) if lines are marked on the ship corresponding in number and description to the deck-line and load lines as required by the load line rules, and the positions of those lines so marked correspond to the positions of the deck-line and load lines so specified in the certificate, the ship shall be deemed to be marked as required by those rules.

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Duration, endorsement and cancellation of load line certificates

- 8 (1) The load line rules shall make provision for determining the period during which any certificate issued under paragraph 6 of this Schedule is to remain in force, including—
- (a) provision enabling the period for which any such certificate is originally issued to be extended within such limits and in such circumstances as may be prescribed by the rules, and
 - (b) provision for cancelling any such certificate in such circumstances as may be so prescribed.
- (2) While any such certificate is in force in respect of a ship, there shall be endorsed on the certificate such information relating to—
- (a) periodical inspections of the ship in accordance with the load line rules, and
 - (b) any extension of the period for which the certificate was issued,
- as may be prescribed by the rules.

Ships not to proceed to sea without load line certificate

- 9 (1) Subject to any exemption conferred by or under this Schedule, no United Kingdom ship to which this Schedule applies shall proceed or attempt to proceed to sea unless the appropriate certificate is in force in respect of the ship.
- (2) Before any such ship proceeds to sea, the master of the ship shall produce the appropriate certificate to the officer of customs and excise from whom a clearance for the ship is demanded; and a clearance shall not be granted, and the ship may be detained, until the appropriate certificate is so produced.
- (3) If any ship proceeds or attempts to proceed to sea in contravention of this paragraph, the master of the ship shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine.
- (4) In this paragraph “the appropriate certificate” means the certificate which is the appropriate certificate for the purposes of paragraph 6 of this Schedule.

Publication of load line certificate and entry of particulars in official log book

- 10 (1) Where a certificate is issued in respect of a ship under paragraph 6 of this Schedule the owner of the ship shall forthwith on receipt of the certificate cause it to be framed and posted up in some conspicuous place on board the ship, and shall cause it to be kept so framed and posted up and legible so long as the certificate remains in force and the ship is in use.
- (2) Before any United Kingdom ship to which this Schedule applies leaves any dock, wharf, harbour or other place for the purpose of proceeding to sea, the master of the ship, subject to sub-paragraph (4) below, shall cause a notice to be posted up in some conspicuous place on board the ship, which shall be in such form and containing such particulars relating to the depth to which the ship is for the time being loaded as may be specified in regulations made by the Secretary of State under this Schedule.
- (3) Where a notice required by sub-paragraph (2) above has been posted up, the master of the ship shall cause it to be kept posted up and legible as required by that sub-paragraph until the ship arrives at some other dock, wharf, harbour or place.

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- (4) The regulations may exempt ships employed in trading or going between places in the limited European trading area, or any class of such ships specified in the regulations, from the requirements as to notices contained in sub-paragraph (2) above.
- (5) If the owner or master of a ship fails to comply with any requirement imposed on him by the preceding provisions of this paragraph, he shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) In this paragraph “the limited European trading area” has the same meaning as in regulations under section 47.

Inspection of ships

- 11 A ship surveyor or engineer surveyor may inspect any United Kingdom ship to which this Schedule applies for the purpose of seeing that the provisions of this Schedule have been complied with in respect of the ship.

NON-UNITED KINGDOM SHIPS

VALID CONVENTION CERTIFICATES

- 12 (1) This paragraph applies to any non-United Kingdom ship to which this Schedule applies which—
- (a) is registered in a Convention country or, not being registered in any such country or elsewhere, flies the flag of a Convention country, and
 - (b) is either a pre-1966 Convention ship of not less than 150 tons gross tonnage or a post-1966 Convention ship of not less than 24 metres in length.
- (2) The Secretary of State may, at the request of the Government of the parent country of a ship to which this paragraph applies, issue in respect of the ship a certificate in such form as may be prescribed by the load line rules, if the Secretary of State is satisfied that he could properly issue a certificate in respect of the ship under paragraph 6(1) of this Schedule if the ship were a United Kingdom ship.
- (3) The load line rules shall make such provision as appears to the Secretary of State to be appropriate for securing that certificates which are issued as International Load Line Certificates (1966) in respect of ships to which this paragraph applies, and are so issued by Governments other than Her Majesty’s Government in the United Kingdom, shall be recognised for the purposes of this Schedule in such circumstances as may be prescribed by the rules.
- (4) Certificates issued as mentioned in sub-paragraph (2) or (3) above shall be included among the certificates called “International Load Line Certificates (1966)”.
- (5) In this Schedule “valid Convention certificate” means a certificate which either—
- (a) has been issued under sub-paragraph (2) above and is for the time being in force, or
 - (b) having been issued as mentioned in sub-paragraph (3) above, is produced in circumstances in which it is required by the load line rules to be recognised for the purposes of this Schedule.

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Compliance with load line rules

- 13 (1) Subject to sub-paragraph (2) below, and to any exemption conferred by or under this Schedule, no non-United Kingdom ship to which this Schedule applies shall proceed or attempt to proceed to sea from any port in the United Kingdom unless—
- (a) the ship has been surveyed in accordance with the load line rules;
 - (b) the ship is marked with a deck-line and with load lines in accordance with those rules;
 - (c) the ship complies with the conditions of assignment; and
 - (d) the information required by those rules to be provided as mentioned in paragraph 2(4) of this Schedule is provided for the guidance of the master of the ship in the manner determined in accordance with the rules.
- (2) Sub-paragraph (1) above does not apply to a ship in respect of which a valid Convention certificate is produced.
- (3) If any ship proceeds or attempts to proceed to sea in contravention of the preceding provisions of this paragraph, the owner or master of the ship shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine.
- (4) Any ship which in contravention of this paragraph attempts to proceed to sea without being surveyed and marked as mentioned in sub-paragraphs (1)(a) and (b) above may be detained until it has been so surveyed and marked.
- (5) If any such ship as is mentioned in sub-paragraph (1) above, not being a ship in respect of which a valid Convention certificate is produced, does not comply with the conditions of assignment it shall be deemed to be dangerously unsafe for the purposes of sections 95, 96 and 97.

Submersion of load lines

- 14 (1) Where a non-United Kingdom ship to which this Schedule applies is within any port in the United Kingdom, and is marked with load lines, the ship shall not be so loaded that—
- (a) if the ship is in salt water and has no list, the appropriate load line on each side of the ship is submerged, or
 - (b) in any other case, the appropriate load line on each side of the ship would be submerged if the ship were in salt water and had no list.
- (2) Sub-paragraphs (2), (3), (5) and (6) of paragraph 4 of this Schedule shall have effect for the purposes of this paragraph as if any reference in those sub-paragraphs to sub-paragraph (1) of that paragraph, or to sub-paragraph (1)(a) or (b) of that paragraph, were a reference to sub-paragraph (1), or (as the case may be) to the corresponding provision of sub-paragraph (1) of this paragraph, subject, however, to sub-paragraph (3) below.
- (3) In the case of a ship to which paragraph 12 of this Schedule applies, the ship shall not be detained, and no proceedings shall be brought by virtue of sub-paragraph (2) above, unless the ship has been inspected by a ship surveyor or engineer surveyor in pursuance of paragraph 17 of this Schedule.
- (4) In relation to a ship in respect of which a valid Convention certificate is produced, “load line” in sub-paragraph (1) above means a line marked on the ship in the position

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of a load line specified in that certificate; and for the purposes of the application of the relevant provisions to such a ship in any circumstances for which a particular load line is specified in the certificate, the “appropriate load line” means the load line which, in accordance with the certificate, indicates the maximum depth to which the ship may be loaded in salt water in those circumstances.

- (5) Where a valid Convention certificate is not produced in respect of a ship, then, for the purposes of the application of the relevant provisions to that ship in any circumstances prescribed by the load line rules in accordance with paragraph 2(2)(d) of this Schedule, “the appropriate load line” means the load line which, in accordance with those rules, indicates the maximum depth to which the ship may be loaded in salt water in those circumstances.
- (6) In sub-paragraphs (4) and (5) above “the relevant provisions” means the provisions of sub-paragraph (1) above and any provisions of paragraph 4 of this Schedule as applied by sub-paragraph (2) above.

United Kingdom load line certificates

- 15 (1) Where a non-United Kingdom ship to which this Schedule applies has been surveyed and marked in accordance with the load line rules, then on the application of the owner of the ship a United Kingdom load line certificate shall be issued to him by the Secretary of State or by a person authorised for the purpose by the Secretary of State.
- (2) Subject to sub-paragraph (3) below, paragraphs 7 and 8 of this Schedule shall have effect in relation to a certificate issued under sub-paragraph (1) above as they have effect in relation to a certificate issued under paragraph 6 of this Schedule.
- (3) Any certificate issued under sub-paragraph (1) above in respect of a ship to which paragraph 12 of this Schedule applies shall be valid only so long as the ship is not plying on international voyages, and shall be cancelled by the Secretary of State if he has reason to believe that the ship is plying on international voyages.

Production of certificate to customs and excise officer

- 16 (1) Subject to any exemption conferred by or under this Schedule, before a non-United Kingdom ship to which this Schedule applies proceeds to sea from any port in the United Kingdom, the master of the ship shall produce the appropriate certificate to the officer of customs and excise from whom a clearance for the ship is demanded; and a clearance shall not be granted, and the ship may be detained, until the appropriate certificate is so produced.
- (2) For the purposes of this paragraph the appropriate certificate—
- (a) in the case of a ship to which paragraph 12 of this Schedule applies, where a clearance for the ship is demanded in respect of an international voyage, is a valid Convention certificate;
 - (b) in the case of any such ship, where a clearance for the ship is demanded in respect of any other voyage, is either a valid Convention certificate or a United Kingdom load line certificate for the time being in force in respect of the ship; and
 - (c) in any other case, is a United Kingdom load line certificate for the time being in force in respect of the ship.

Status: This is the original version (as it was originally enacted).

Provisions as to inspection

- 17 (1) Subject to the following provisions of this paragraph, a ship surveyor or engineer surveyor may inspect any non-United Kingdom ship to which this Schedule applies while the ship is within any port in the United Kingdom.
- (2) Any such surveyor may go on board any ship to which paragraph 12 of this Schedule applies, while the ship is within any port in the United Kingdom, for the purpose of demanding production of any International Load Line Certificate (1966) or United Kingdom load line certificate for the time being in force in respect of the ship.
- (3) If on any such demand a valid Convention certificate is produced to the surveyor in respect of the ship, the powers of the surveyor under sub-paragraph (1) above shall be limited to seeing—
- (a) that the ship is not loaded beyond the limits allowed by the certificate;
 - (b) that lines are marked on the ship in the positions of the load lines specified in the certificate;
 - (c) that no material alterations have taken place in the hull or superstructures of the ship which affect the position in which any of those lines ought to be marked; and
 - (d) that the fittings and appliances for the protection of openings, the guard rails, the freeing ports and the means of access to the crew's quarters have been maintained on the ship in as effective a condition as they were in when the certificate was issued.
- (4) If on an inspection of a ship under this paragraph the ship is found to have been so materially altered in respect of the matters referred to in sub-paragraph (3)(c) or (d) above that the ship is manifestly unfit to proceed to sea without danger to human life, it shall be deemed to be dangerously unsafe for the purposes of sections 95, 96 and 97.
- (5) Where a ship is detained under the provisions of this Act as applied by sub-paragraph (4) above, the Secretary of State shall order the ship to be released as soon as he is satisfied that the ship is fit to proceed to sea without danger to human life.

EXEMPTIONS

POWER TO MAKE EXEMPTION ORDERS

- 18 (1) If in the opinion of the Secretary of State the sheltered nature and conditions of international voyages—
- (a) between near neighbouring ports in the United Kingdom and in another Convention country, or
 - (b) between near neighbouring ports in any two or more countries or territories outside the United Kingdom,
- make it unreasonable or impracticable to apply the provisions of this Schedule to ships plying on such voyages, and the Secretary of State is satisfied that the Government of the other country or territory (or, as the case may be, of each of the other countries or territories) concurs in that opinion, the Secretary of State may by order specifying those ports direct that ships plying on international voyages between those ports, or any class of such ships specified in the order, shall be exempt from the provisions of this Schedule.

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- (2) The Secretary of State may by order direct that ships under 80 tons register engaged solely in the coasting trade, or any class of such ships specified in the order, shall be exempt from the provisions of this Schedule while not carrying cargo, or (if the order so provides) shall be exempt from the provisions of this Schedule whether carrying cargo or not.
- (3) Any order under this paragraph may be made subject to such conditions as the Secretary of State thinks fit; and, where any such order is made subject to conditions, the exemption conferred by that order shall not have effect in relation to a ship unless the ship complies with those conditions.

Further powers to exempt ships

- 19 (1) In this paragraph any reference to exempting a ship is a reference to exempting the ship either—
 - (a) from all the provisions of this Schedule and of the load line rules, or
 - (b) from such of those provisions as are specified in the instrument conferring the exemption.
- (2) On the application of the owner of a United Kingdom ship to which this Schedule applies which is either a pre-1966 Convention ship of not less than 150 tons gross tonnage or a post-1966 Convention ship of not less than 24 metres in length, the Secretary of State may exempt the ship if in his opinion the ship embodies features of a novel kind such that, if the ship had to comply with all the requirements of this Schedule and of the load line rules, the development of those features and their incorporation in ships engaged on international voyages might be seriously impeded.
- (3) On the application of the owner of a United Kingdom ship to which this Schedule applies which is either—
 - (a) a pre-1966 Convention ship of less than 150 tons gross tonnage or a post-1966 Convention ship of less than 24 metres in length, or
 - (b) a ship (not falling within (a) above) which does not ply on international voyages,the Secretary of State may exempt the ship.
- (4) Without prejudice to sub-paragraph (3) above, where a United Kingdom ship to which this Schedule applies which is either a pre-1966 Convention ship of not less than 150 tons gross tonnage or a post-1966 Convention ship of not less than 24 metres in length, does not normally ply on international voyages but is, in exceptional circumstances, required to undertake a single international voyage, the Secretary of State, on the application of the owner of the ship, specifying the international voyage in question, may exempt the ship while engaged on that voyage.
- (5) Any exemption conferred under this paragraph may be conferred subject to such conditions as the Secretary of State thinks fit; and, where any such exemption is conferred subject to conditions, the exemption shall not have effect unless those conditions are complied with.

Issue of exemption certificates

- 20 (1) Where the Secretary of State exempts a ship under paragraph 19 of this Schedule, the Secretary of State shall issue the appropriate certificate to the owner of the ship.

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- (2) For the purposes of this paragraph the appropriate certificate—
- (a) where the exemption is conferred under sub-paragraph (2) or sub-paragraph (4) of paragraph 19 of this Schedule, is an “International Load Line Exemption Certificate”, and
 - (b) where the certificate is conferred under sub-paragraph (3) of that paragraph, is a “United Kingdom load line exemption certificate”.
- (3) Any certificate issued under this paragraph shall be in such form, and shall be issued in such manner, as may be prescribed by the load line rules.

Duration and termination of exemptions, and duration, endorsement and cancellation of exemption certificates

- 21 (1) The load line rules shall make provision for determining the period during which any exemption conferred under paragraph 19 of this Schedule, or any certificate issued under paragraph 20 of this Schedule, is to remain in force, including—
- (a) provision enabling the period for which any exemption or certificate is originally conferred or issued to be extended within such limits and in such circumstances as may be prescribed by the rules, and
 - (b) provision for terminating any such exemption, and for cancelling any such certificate, in such circumstances as may be so prescribed.
- (2) While any such certificate is in force in respect of a ship, there shall be endorsed on the certificate such information relating to—
- (a) periodical inspections of the ship in accordance with the load line rules, and
 - (b) any extension of the period for which the certificate was issued,
- as may be prescribed by the rules.

International Load Line Exemption Certificates

- 22 (1) The load line rules shall make such provision as appears to the Secretary of State to be appropriate for securing that exemption certificates which, in accordance with the Convention of 1966, are issued in respect of ships to which paragraph 12 of this Schedule applies, and are so issued by Governments other than Her Majesty’s Government in the United Kingdom, shall in such circumstances as may be prescribed by the rules have the like effect for the purposes of this Schedule as if they were valid Convention certificates.
- (2) Certificates issued as mentioned in sub-paragraph (1) above shall be included among “International Load Line Exemption Certificates”.

SUBDIVISION LOAD LINES AND DECK CARGO

SUBDIVISION LOAD LINES

- 23 (1) Where in pursuance of safety regulations a United Kingdom passenger ship to which this Schedule applies is marked with subdivision load lines, and the lowest of those lines is lower than the line which, apart from this sub-paragraph, would be the appropriate load line for the purposes of paragraph 4 of this Schedule, the said paragraph 4 shall have effect as if that subdivision load line were the appropriate load line for the purposes of that paragraph.

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- (2) Where in pursuance of safety regulations a non-United Kingdom passenger ship to which this Schedule applies is marked with subdivision load lines, and the lowest of those load lines is lower than the line which, apart from this sub-paragraph, would be the appropriate load line for the purposes of paragraph 14 of this Schedule, that paragraph shall have effect as if that subdivision load line were the appropriate load line for the purposes of that paragraph.

Deck cargo

- 24 (1) The Secretary of State shall make regulations (in this paragraph referred to as “the deck cargo regulations”) prescribing requirements to be complied with where cargo is carried in any uncovered space on the deck of a ship to which this Schedule applies; and different requirements may be so prescribed in relation to different descriptions of ships, different descriptions of cargo, different voyages or classes of voyages, different seasons of the year or any other different circumstances.
- (2) If the load line rules provide (either generally or in particular cases or classes of cases) for assigning special freeboards to ships which are to have effect only where a cargo of timber is so carried, then (without prejudice to the generality of sub-paragraph (1) above) the deck cargo regulations may prescribe special requirements to be complied with in circumstances where any such special freeboard has effect.
- (3) In prescribing any such special requirements as are mentioned in sub-paragraph (2) above, the Secretary of State shall have regard in particular to the provisions of Chapter IV of the Convention of 1966.
- (4) If any provisions of the deck cargo regulations are contravened—
- (a) in the case of a United Kingdom ship, or
 - (b) in the case of any other ship while the ship is within any port in the United Kingdom,
- the master of the ship shall (subject to sub-paragraph (5) below) be liable—
- (i) on summary conviction, to a fine not exceeding the statutory maximum;
 - (ii) on conviction on indictment, to a fine.
- (5) Where a person is charged with an offence under sub-paragraph (4) above, it shall be a defence to prove that the contravention was due solely to deviation or delay and that the deviation or delay was caused solely by stress of weather or other circumstances which neither the master nor the owner nor the charterer (if any) could have prevented or forestalled.
- (6) For the purpose of securing compliance with the deck cargo regulations, any person authorised for the purpose by the Secretary of State may inspect any ship to which this Schedule applies which is carrying cargo in any uncovered space on its deck.

MISCELLANEOUS PROVISIONS

NOTICE TO CONSULAR OFFICER OF PROCEEDINGS AGAINST FOREIGN SHIPS

- 25 (1) Where any non-United Kingdom ship is detained under this Schedule, and where any proceedings are taken under this Schedule against the master or owner of any such ship, notice shall forthwith be served on the consular officer for the country to which the ship belongs at or nearest to the port where the ship is for the time being.

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- (2) A notice under this paragraph shall specify the grounds on which the ship has been detained or the proceedings have been taken.

Delivery up of certificates

- 26 (1) The Secretary of State may require any certificate which can be issued under this Schedule, which has expired or been cancelled, to be delivered up as he directs.
- (2) If any owner or master of a ship fails without reasonable excuse to comply with such a requirement he shall be liable, on summary conviction, to a fine not exceeding level 2 on the standard scale.

Penalty for false statements etc.

- 27 (1) If any person intentionally makes, or assists in making, or procures to be made, a false or fraudulent certificate which can be issued under this Schedule he shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding six months or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine.
- (2) In Scotland, if any person—
- (a) forges, assists in forging or procures to be forged,
 - (b) fraudulently alters, assists in fraudulently altering or procures to be fraudulently altered,
- any certificate which can be issued under this Schedule he shall be liable—
- (i) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding six months or both; or
 - (ii) on conviction on indictment, to a fine or to imprisonment or to both.

Admissibility of certificates in evidence

- 28 Any certificate issued under this Schedule shall be admissible in evidence.

Convention countries

- 29 (1) Her Majesty, if satisfied—
- (a) that the Government of a country has accepted or acceded to, or has denounced, the Convention of 1966, or
 - (b) that the Convention of 1966 extends, or has ceased to extend, to a particular territory,
- may by Order in Council make a declaration to that effect.
- (2) In this Schedule “Convention country” means a country or territory which is either—
- (a) a country the Government of which has been declared under this paragraph to have accepted or acceded to the Convention of 1966, and has not been so declared to have denounced that Convention, or
 - (b) a territory to which it has been so declared that the Convention of 1966 extends, not being a territory to which it has been so declared that that Convention has ceased to extend,

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and “Contracting Government” means any such Government as is referred to in (a) above.

Orders, rules and regulations

- 30 Any Order in Council, order, rules or regulations made under this Schedule may contain such transitional or other incidental and supplementary provisions as may appear to Her Majesty in Council, or (as the case may be) to the Secretary of State, to be appropriate.

Interpretation

- 31 (1) In this Schedule, except in so far as the context otherwise requires—
- “alteration” includes deterioration;
 - “clearance” includes transire;
 - “the Convention of 1966” means the International Convention on Load Lines which was signed in London on 5th April 1966;
 - “Convention country” and “Contracting Government” have the meanings given to them by paragraph 29(2) of this Schedule;
 - “non-United Kingdom ship” means a ship which is not registered in the United Kingdom;
 - “post-1966 Convention ship” means a ship whose keel is laid, or which is at a similar stage of construction, on or after the material date; and “pre-1966 Convention ship” means a ship which is not a post-1966 Convention ship;
 - “parent country”, in relation to a ship, means the country or territory in which the ship is registered, or, if the ship is not registered anywhere, means the country or territory whose flag the ship flies;
 - “valid Convention certificate” has the meaning given to it by paragraph 12(5) of this Schedule.
- (2) For the purposes of the definitions of pre-1966 and post-1966 Convention ship the material date—
- (a) in relation to a ship whose parent country is a Convention country other than the United Kingdom, is the date as from which it is declared under paragraph 29 of this Schedule either that the Government of that country has accepted or acceded to the Convention of 1966 or that it is a territory to which that Convention extends, and
 - (b) in relation to any other ship, is 21st July 1968.
- (3) In this Schedule, subject to sub-paragraph (4) below, “international voyage” means a voyage between—
- (a) a port in the United Kingdom and a port outside the United Kingdom, or
 - (b) a port in a Convention country (other than the United Kingdom) and a port in any other country or territory (whether a Convention country or not) which is outside the United Kingdom.
- (4) In determining, for the purposes of sub-paragraph (3) above, what are the ports between which a voyage is made, no account shall be taken of any deviation by a ship from its intended voyage which is due solely to stress of weather or any other circumstance which neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled; and for the purposes of that sub-paragraph any colony, protectorate or other dependency, and any territory for whose

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international relations a Government is separately responsible shall be taken to be a separate territory.

- (5) Any reference in this Schedule to the gross tonnage of a ship shall be construed as a reference to the tonnage of the ship as ascertained in accordance with the tonnage regulations; and, where in accordance with those regulations alternative tonnages are assigned to a ship, the gross tonnage of the ship shall, for the purposes of this Schedule, be taken to be the larger of those tonnages.
- (6) For the purposes of this Schedule the length of a ship shall be ascertained in accordance with regulations made by the Secretary of State under this Schedule.
- (7) Any reference in this Schedule to any provision of the Convention of 1966 shall, in relation to any time after that provision has been amended in pursuance of Article 29 of that Convention, be construed as a reference to that provision as so amended.

SCHEDULE 4

PREVENTION OF OIL POLLUTION: TRANSITORY PROVISIONS

CHAPTER III

LIABILITY FOR OIL POLLUTION

- 152 (1) In this Chapter—
- “the Liability Convention” means the International Convention on Civil Liability for Oil Pollution Damage signed in Brussels in 1969;
 - “Liability Convention country” means a country in respect of which the Liability Convention is in force; and
 - “Liability Convention State” means a State which is a party to the Convention.
- (2) If Her Majesty by Order in Council declares that any State specified in the Order is a party to the Liability Convention in respect of any country so specified the Order shall, while in force, be conclusive evidence that that State is a party to the Liability Convention in respect of that country.

Liability

Liability for oil pollution in case of tankers

- 153 (1) Where, as a result of any occurrence taking place while a ship is carrying a cargo of persistent oil in bulk, any persistent oil carried by the ship (whether as part of the cargo or otherwise) is discharged or escapes from the ship, the owner of the ship shall be liable, (except as otherwise provided by this Chapter),—
- (a) for any damage caused in the territory of the United Kingdom by contamination resulting from the discharge or escape; and
 - (b) for the cost of any measures reasonably taken after the discharge or escape for the purpose of preventing or reducing any such damage in the territory of the United Kingdom; and

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- (c) for any damage caused in the territory of the United Kingdom by any measures so taken.
- (2) Where a person incurs a liability under subsection (1) above he shall also be liable for any damage or cost for which he would be liable under that subsection if the references therein to the territory of the United Kingdom included the territory of any other Liability Convention country.
- (3) Where persistent oil is discharged or escapes from two or more ships and—
 - (a) a liability is incurred under this section by the owner of each of them; but
 - (b) the damage or cost for which each of the owners would be liable cannot reasonably be separated from that for which the other or others would be liable;each of the owners shall be liable, jointly with the other or others, for the whole of the damage or cost for which the owners together would be liable under this section.
- (4) For the purposes of this Chapter, where more than one discharge or escape results from the same occurrence or from a series of occurrences having the same origin, they shall be treated as one; but any measures taken after the first of them shall be deemed to have been taken after the discharge or escape.
- (5) The Law Reform (Contributory Negligence) Act 1945 and, in Northern Ireland, the Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1948 shall apply in relation to any damage or cost for which a person is liable under this section, but which is not due to his fault, as if it were due to his fault.

Liability for oil pollution in case of other ships

- 154 (1) Where, as a result of any occurrence, any persistent oil is discharged or escapes from a ship other than a ship to which section 153 applies, then (except as otherwise provided by this Chapter) the owner of the ship shall be liable—
- (a) for any damage caused outside the ship in the territory of the United Kingdom by contamination resulting from the discharge or escape; and
 - (b) for the cost of any measures reasonably taken after the discharge or escape for the purpose of preventing or minimising any damage so caused in the territory of the United Kingdom by contamination resulting from the discharge or escape; and
 - (c) for any damage so caused in the territory of the United Kingdom by any measures so taken.
- (2) Where, as a result of any occurrence, there arises a grave and imminent threat of damage being caused outside a ship other than a ship to which section 153 applies by the contamination which might result if there were a discharge or escape of persistent oil from the ship, then (except as otherwise provided by this Chapter) the owner of the ship shall be liable—
- (a) for the cost of any measures reasonably taken for the purpose of preventing or minimising any such damage in the territory of the United Kingdom; and
 - (b) for any damage caused outside the ship in the territory of the United Kingdom by any measures so taken;
- and in the subsequent provisions of this Chapter any such threat is referred to as a relevant threat of contamination.

- (3) Where—

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- (a) as a result of any occurrence, a liability is incurred under this section by the owner of each of two or more ships, but
- (b) the damage or cost for which each of the owners would be liable cannot reasonably be separated from that for which the other or others would be liable,

each of the owners shall be liable, jointly with the other or others, for the whole of the damage or cost for which the owners together would be liable under this section.

- (4) The Law Reform (Contributory Negligence) Act 1945 and, in Northern Ireland, the Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1948 shall apply in relation to any damage or cost for which a person is liable under this section, but which is not due to his fault, as if it were due to his fault.

- (5) In this section “ship” includes a vessel which is not seagoing.

Exceptions from liability under section 153

155 The owner of a ship from which persistent oil has been discharged or has escaped shall not incur any liability under section 153 if he proves that the discharge or escape—

- (a) resulted from an act of war, hostilities, civil war, insurrection or an exceptional, inevitable and irresistible natural phenomenon; or
- (b) was due wholly to anything done or left undone by another person, not being a servant or agent of the owner, with intent to do damage; or
- (c) was due wholly to the negligence or wrongful act of a government or other authority in exercising its function of maintaining lights or other navigational aids for the maintenance of which it was responsible.

Exceptions from liability under section 154

155A No liability shall be incurred by the owner of a ship under section 154 by reason of any discharge or escape of persistent oil from the ship, or by reason of any relevant threat of contamination, if he proves that the discharge or escape, or (as the case may be) the threat of contamination—

- (a) resulted from an act of war, hostilities, civil war, insurrection or an exceptional, inevitable and irresistible natural phenomenon; or
- (b) was due wholly to anything done or omitted to be done by another person, not being a servant or agent of the owner, with intent to do damage; or
- (c) was due wholly to the negligence or wrongful act of a government or other authority in exercising its function of maintaining lights or other navigational aids for the maintenance of which it was responsible.

Restriction of liability for oil pollution

156 Where, as a result of any occurrence taking place while a ship is carrying a cargo of persistent oil in bulk, any persistent oil carried by the ship is discharged or escapes then, whether or not the owner incurs a liability under section 153—

- (a) he shall not be liable otherwise than under that section for any such damage or cost as is mentioned therein; and
- (b) no servant or agent of the owner nor any person performing salvage operations with the agreement of the owner shall be liable for any such damage or cost.

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Restriction of liability for oil pollution from ship within section 154

- 156A (1) Where, as a result of any occurrence—
- (a) any persistent oil is discharged or escapes from a ship to which section 154 applies, or
 - (b) there arises a relevant threat of contamination,
- then, whether or not the owner of the ship in question incurs a liability under section 154—
- (i) he shall not be liable otherwise than under that section for any such damage or cost as is mentioned in it, and
 - (ii) no person to whom this paragraph applies shall be liable for any such damage or cost unless it resulted from anything done or omitted to be done by him either with intent by him to cause any such damage or cost or recklessly and in the knowledge that any such damage or cost would probably result.
- (2) Subsection (1)(ii) of this section applies to—
- (a) any servant or agent of the owner of the ship;
 - (b) any person not falling within paragraph (a) above but employed or engaged in any capacity on board the ship or to perform any service for the ship;
 - (c) any charterer of the ship (however described and including a bareboat charterer), and any manager or operator of the ship;
 - (d) any person performing salvage operations with the consent of the owner of the ship or on the instructions of a competent public authority;
 - (e) any person taking any such measures as are mentioned in subsection (1)(b) or (2)(a) of section 154;
 - (f) any servant or agent of a person falling within paragraph (c), (d) or (e) above.
- (3) The liability of the owner of a ship under section 154 for any impairment of the environment shall be taken to be a liability only in respect of—
- (a) any resulting loss of profits, and
 - (b) the cost of any reasonable measures of reinstatement actually taken or to be taken.

Limitation of liability

Limitation of liability under section 153

- 157 (1) Where the owner of a ship incurs liability under section 153 by reason of a discharge or escape which has occurred without his actual fault or privity then—
- (a) he may limit that liability in accordance with the provisions of this Chapter, and
 - (b) if he does so, his liability (that is to say, the aggregate of his liabilities under section 153 resulting from the discharge or escape) shall not exceed 133 special drawing rights for each ton of the ship's tonnage nor (where that tonnage would result in a greater amount) 14 million special drawing rights.
- (2) For the purposes of this section the tonnage of a ship shall be ascertained as follows—
- (a) where the registered tonnage of the ship has been or can be ascertained in accordance with the tonnage regulations, the ship's tonnage shall be the registered tonnage of the ship as so ascertained but without making

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- any deduction required by those regulations of any tonnage allowance for propelling machinery space;
- (b) where the ship is of a description with respect to which no provision is for the time being made by the tonnage regulations, the tonnage of the ship shall be taken to be 40 per cent of the weight (expressed in tons of 2,240 lbs) of oil which the ship is capable of carrying;
 - (c) where the tonnage of the ship cannot be ascertained in accordance with either paragraph (a) or paragraph (b) above, a surveyor of ships shall, if so directed by the court, certify what, on the evidence specified in the direction, would in his opinion be the tonnage of the ship as ascertained in accordance with paragraph (a), or (as the case may be) paragraph (b), above if the ship could be duly measured for the purpose; and the tonnage stated in his certificate shall be taken to be the tonnage of the ship.

Limitation actions

- 158 (1) Where the owner of a ship has or is alleged to have incurred a liability under section 153 he may apply to the court for the limitation of that liability to an amount determined in accordance with section 157.
- (2) If on such an application the court finds that the applicant has incurred such a liability and is entitled to limit it, the court shall, after determining the limit of the liability and directing payment into the court of the amount of that limit,—
 - (a) determine the amounts that would, apart from the limit, be due in respect of the liability to the several persons making claims in the proceedings; and
 - (b) direct the distribution of the amount paid into court (or, as the case may be, so much of it as does not exceed the liability) among those persons in proportion to their claims, subject to subsections (7) to (10) below.
 - (3) A payment into court of the amount of a limit determined in pursuance of this section shall be made in sterling in accordance with subsection (4) below.
 - (4) For the purpose of converting such an amount from special drawing rights into sterling one special drawing right shall be treated as equal to such a sum in sterling as the International Monetary Fund have fixed as being the equivalent of one special drawing right for—
 - (a) the day on which the determination is made, or
 - (b) if no sum has been so fixed for that day, the last day before that day for which a sum has been so fixed.
 - (5) A certificate given by or on behalf of the Treasury stating—
 - (a) that a particular sum in sterling has been fixed by the International Monetary Fund for the day on which the determination was made; or
 - (b) that no sum has been so fixed for that day and that a particular sum in sterling has been so fixed for a day which is the last day for which a sum has been so fixed before the day on which the determination was made,shall be conclusive evidence of those matters for the purposes of this Chapter.
 - (6) A document purporting to be such a certificate shall, in any proceedings, be received in evidence and, unless the contrary is proved, be deemed to be such a certificate.
 - (7) No claim shall be admitted in proceedings under this section unless it is made within such time as the court may direct or such further time as the court may allow.

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- (8) Where any sum has been paid in or towards satisfaction of any claim in respect of the damage or cost to which the liability extends,—
- (a) by the owner or the person referred to in section 165 as “the insurer”; or
 - (b) by a person who has or is alleged to have incurred a liability, otherwise than under section 153, for the damage or cost and who is entitled to limit his liability in connection with the ship by virtue of section 185 or 186;
- the person who paid the sum shall, to the extent of that sum, be in the same position with respect to any distribution made in proceedings under this section as the person to whom it was paid would have been.
- (9) Where the person who incurred the liability has voluntarily made any reasonable sacrifice or taken any other reasonable measures to prevent or reduce damage to which the liability extends or might have extended he shall be in the same position with respect to any distribution made in proceedings under this section as if he had a claim in respect of the liability equal to the cost of the sacrifice or other measures.
- (10) The court may, if it thinks fit, postpone the distribution of such part of the amount to be distributed as it deems appropriate having regard to any claims that may later be established before a court of any country outside the United Kingdom.

Restriction on enforcement after establishment of limitation fund

- 159 (1) Where the court has found that a person who has incurred a liability under section 153 is entitled to limit that liability to any amount and he has paid into court a sum not less than that amount—
- (a) the court shall order the release of any ship or other property arrested in connection with a claim in respect of that liability or any security given to prevent or obtain release from such an arrest; and
 - (b) no judgment or decree for any such claim shall be enforced, except so far as it is for costs (or, in Scotland, expenses);
- if the sum paid into court, or such part thereof as corresponds to the claim, will be actually available to the claimant or would have been available to him if the proper steps in the proceedings under section 158 had been taken.
- (2) In the application of this section to Scotland, any reference (however expressed) to release from arrest shall be construed as a reference to the recall of an arrestment.

Concurrent liabilities of owners and others

- 160 Where, as a result of any discharge or escape of persistent oil from a ship, the owner of the ship incurs a liability under section 153 and any other person incurs a liability, otherwise than under that section, for any such damage or cost as is mentioned in subsection (1) of that section then, if—
- (a) the owner has been found, in proceedings under section 158 to be entitled to limit his liability to any amount and has paid into court a sum not less than that amount; and
 - (b) the other person is entitled to limit his liability in connection with the ship by virtue of section 185 or 186;
- no proceedings shall be taken against the other person in respect of his liability, and if any such proceedings were commenced before the owner paid the sum into court, no further steps shall be taken in the proceedings except in relation to costs.

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Establishment of limitation fund outside United Kingdom

- 161 Where the events resulting in the liability of any person under section 153 also resulted in a corresponding liability under the law of another Liability Convention country sections 159 and 160 shall apply as if the references to sections 153 and 158 included references to the corresponding provisions of that law and the references to sums paid into court included references to any sums secured under those provisions in respect of the liability.

Extinguishment of claims

- 162 No action to enforce a claim in respect of a liability incurred under section 153 or 154 shall be entertained by any court in the United Kingdom unless the action is commenced not later than three years after the claim arose nor later than six years after the occurrence or first of the occurrences resulting in the discharge or escape by reason of which the liability was incurred.

Compulsory insurance

Compulsory insurance against liability for pollution

- 163 (1) Subject to the provisions of this Chapter relating to Government ships, subsection (2) below shall apply to any ship carrying in bulk a cargo of more than 2,000 tons of persistent oil of a description specified in regulations made by the Secretary of State.
- (2) The ship shall not enter or leave a port in the United Kingdom or arrive at or leave a terminal in the territorial sea of the United Kingdom nor, if the ship is a United Kingdom ship, a port in any other country or a terminal in the territorial sea of any other country, unless there is in force a certificate complying with the provisions of subsection (3) below and showing that there is in force in respect of the ship a contract of insurance or other security satisfying the requirements of Article VII of the Liability Convention (cover for owner's liability).

For the purposes of this subsection the reference in Article VII to Article V of the Liability Convention shall be construed as a reference to Article V as amended by Article II of the protocol dated 19th November 1976 to the Liability Convention.

- (3) The certificate must be—
- (a) if the ship is a United Kingdom ship, a certificate issued by the Secretary of State;
 - (b) if the ship is registered in a Liability Convention country other than the United Kingdom, a certificate issued by or under the authority of the government of the other Liability Convention country; and
 - (c) if the ship is registered in a country which is not a Liability Convention country, a certificate issued by the Secretary of State or a certificate recognised for the purposes of this paragraph by regulations made under this section.
- (4) The Secretary of State may by regulations provide that certificates in respect of ships registered in any, or any specified, country which is not a Liability Convention country shall, in such circumstances as may be specified in the regulations, be recognised for the purposes of subsection (3)(c) above if issued by or under the authority of the government of the country designated in the regulations for that

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- purpose; and the country that may be so designated may be either or both of the following, that is to say—
- (a) the country in which the ship is registered; and
 - (b) any country specified in the regulations for the purposes of this paragraph.
- (5) Any certificate required by this section to be in force in respect of a ship shall be carried in the ship and shall, on demand, be produced by the master to any officer of customs and excise or of the Secretary of State and, if the ship is a United Kingdom ship, to any proper officer.
- (6) If a ship enters or leaves, or attempts to enter or leave, a port or arrives at or leaves, or attempts to arrive at or leave, a terminal in contravention of subsection (2) above, the master or owner shall be liable—
- (a) on summary conviction, to a fine not exceeding £50,000;
 - (b) on conviction on indictment, to a fine.
- (7) If a ship fails to carry, or the master of a ship fails to produce, a certificate as required by subsection (5) above, the master shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (8) If a ship attempts to leave a port in the United Kingdom in contravention of this section the ship may be detained.

Issue of certificate by Secretary of State

- 164 (1) Subject to subsection (2) below, if the Secretary of State is satisfied, on an application for such a certificate as is mentioned in section 163 in respect of a United Kingdom ship or a ship registered in any country which is not a Liability Convention country, that there will be in force in respect of the ship, throughout the period for which the certificate is to be issued, a contract of insurance or other security satisfying the requirements of Article VII of the Liability Convention, the Secretary of State shall issue such a certificate to the owner.

For the purposes of this subsection the reference in Article VII to Article V of the Liability Convention shall be construed as a reference to Article V as amended by Article II of the protocol dated 19th November 1976 to the Liability Convention.

- (2) If the Secretary of State is of opinion that there is a doubt whether the person providing the insurance or other security will be able to meet his obligations thereunder, or whether the insurance or other security will cover the owner's liability under section 153 in all circumstances, he may refuse the certificates.
- (3) The Secretary of State may make regulations providing for the cancellation and delivery up of a certificate under this section in such circumstances as may be prescribed by the regulations.
- (4) If a person required by regulations under subsection (3) above to deliver up a certificate fails to do so he shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (5) The Secretary of State shall send a copy of any certificate issued by him under this section in respect of a United Kingdom ship to the Registrar General of Shipping and Seamen, and the Registrar shall make the copy available for public inspection.

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Rights of third parties against insurers

- 165 (1) Where it is alleged that the owner of a ship has incurred a liability under section 153 as a result of any discharge or escape of oil occurring while there was in force a contract of insurance or other security to which such a certificate as is mentioned in section 163 related, proceedings to enforce a claim in respect of the liability may be brought against the person who provided the insurance or other security (in the following provisions of this section referred to as “the insurer”).
- (2) In any proceedings brought against the insurer by virtue of this section it shall be a defence (in addition to any defence affecting the owner’s liability) to prove that the discharge or escape was due to the wilful misconduct of the owner himself.
- (3) The insurer may limit his liability in respect of claims made against him by virtue of this section in like manner and to the same extent as the owner may limit his liability but the insurer may do so whether or not the discharge or escape occurred without the owner’s fault or privity.
- (4) Where the owner and the insurer each apply to the court for the limitation of his liability any sum paid into court in pursuance of either application shall be treated as paid also in pursuance of the other.
- (5) The Third Parties (Rights against Insurers) Act 1930 and the Third Parties (Rights against Insurers) Act (Northern Ireland) 1930 shall not apply in relation to any contract of insurance to which such a certificate as is mentioned in section 163 relates.

Supplementary

Jurisdiction of United Kingdom courts and registration of foreign judgments

- 166 (1) Paragraph 1(1)(d) of Schedule 1 to the Administration of Justice Act 1956 (Admiralty jurisdiction in claims for damage done by ships) shall be construed as extending to any claim in respect of a liability incurred under this Chapter, and the Admiralty jurisdiction of the Court of Session shall extend to any case arising out of any such claim.
- (2) Where any persistent oil is discharged or escapes from a ship but does not result in any damage caused by contamination in the territory of the United Kingdom and no measures are reasonably taken to prevent or reduce such damage in that territory, no court in the United Kingdom shall entertain an action (whether in rem or in personam) to enforce a claim arising from—
- (a) any damage caused in the territory of another Liability Convention country by contamination resulting from the discharge or escape;
 - (b) any cost incurred in taking measures to prevent or reduce such damage in the territory of another Liability Convention country; or
 - (c) any damage caused by any measures so taken.
- (3) Part I of the Foreign Judgments (Reciprocal Enforcement) Act 1933 shall apply, whether or not it would so apply apart from this section, to any judgment given by a court in a Liability Convention country to enforce a claim in respect of a liability incurred under any provision corresponding to section 153; and in its application to such a judgment that Part shall have effect with the omission of section 4(2) and (3) of that Act.

Government ships

- 167 (1) Nothing in the preceding provisions of this Chapter applies in relation to any warship or any ship for the time being used by the government of any State for other than commercial purposes.
- (2) In relation to a ship owned by a State and for the time being used for commercial purposes it shall be a sufficient compliance with section 163(2) if there is in force a certificate issued by the government of that State and showing that the ship is owned by that State and that any liability for pollution damage as defined in Article I of the Liability Convention will be met up to the limit prescribed by Article V of the Liability Convention as amended by Article II of the protocol dated 19th November 1976 to the Liability Convention.
- (3) Every Liability Convention State shall, for the purposes of any proceedings brought in a court in the United Kingdom to enforce a claim in respect of a liability incurred under section 153, be deemed to have submitted to the jurisdiction of that court, and accordingly rules of court may provide for the manner in which such proceedings are to be commenced and carried on; but nothing in this subsection shall authorise the issue of execution, or in Scotland the execution of diligence, against the property of any State.

Limitation of liability under section 154

- 168 For the purposes of section 185 any liability incurred under section 154 shall be deemed to be a liability to damages in respect of such damage to property as is mentioned in paragraph 1(a) of Article 2 of the Liability Convention in Part I of Schedule 7.

Saving for recourse actions

- 169 Nothing in this Chapter shall prejudice any claim, or the enforcement of any claim, a person incurring any liability under this Chapter may have against another person in respect of that liability.

Interpretation

- 170 (1) In this Chapter—
- “the court” means the High Court or the Court of Session;
 - “damage” includes loss;
 - “owner”, in relation to a registered ship, means the person registered as its owner, except that in relation to a ship owned by a State which is operated by a person registered as the ship’s operator, it means the person registered as its operator; and
 - “relevant threat of contamination” shall be construed in accordance with section 154(2).
- (2) In relation to any damage or cost resulting from the discharge or escape of any oil carried in a ship, or from a relevant threat of contamination, references in this Chapter to the owner of the ship are references to the owner at the time of the occurrence or first of the occurrences resulting in the discharge or escape or (as the case may be) in the threat of contamination.
- (3) References in this Chapter in its application to Scotland—

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- (a) to payment into court, shall be construed as references to payment to the Accountant of Court for Consignation (within the meaning of the Court of Session Consignations (Scotland) Act 1895); and
 - (b) to costs, shall be construed as references to expenses.
- (4) References in this Chapter to the territory of any country include the territorial sea of that country.

CHAPTER IV

INTERNATIONAL OIL POLLUTION COMPENSATION FUND

Preliminary

Meaning of “Liability Convention”, “the Fund Convention” and related expressions

- 172 (1) In this Chapter—
- (a) “the Liability Convention” has the same meaning as in Chapter III of this Part;
 - (b) “the Fund Convention” means the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage opened for signature in Brussels on 18th December 1971;
 - (c) “the Fund” means the International Fund established by the Fund Convention; and
 - (d) “Fund Convention country” means a country in respect of which the Fund Convention is in force.
- (2) If Her Majesty by Order in Council declares that any State specified in the Order is a party to the Fund Convention in respect of any country so specified, the Order shall, while in force, be conclusive evidence that that State is a party to that Convention in respect of that country.

Contributions to Fund

Contributions by importers of oil and others

- 173 (1) Contributions shall be payable to the Fund in respect of oil carried by sea to ports or terminal installations in the United Kingdom otherwise than on a voyage only within its national waters.
- (2) Subsection (1) above applies whether or not the oil is being imported, and applies even if contributions are payable in respect of carriage of the same oil on a previous voyage.
- (3) Contributions shall also be payable to the Fund in respect of oil when first received in any installation in the United Kingdom after having been carried by sea and discharged in a port or terminal installation in a country which is not a Fund Convention country.
- (4) The person liable to pay contributions is—

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- (a) in the case of oil which is being imported into the United Kingdom, the importer, and
 - (b) otherwise, the person by whom the oil is received.
- (5) A person shall not be liable to make contributions in respect of the oil imported or received by him in any year if the oil so imported or received in the year does not exceed 150,000 tonnes.
- (6) For the purpose of subsection (5) above—
 - (a) all the members of a group of companies shall be treated as a single person, and
 - (b) any two or more companies which have been amalgamated into a single company shall be treated as the same person as that single company.
- (7) The contributions payable by a person for any year shall—
 - (a) be of such amount as may be determined by the Assembly of the Fund under articles 11 and 12 of the Fund Convention (as amended by article III of the protocol dated 19th November 1976 to that Convention) and notified to that person by the Fund;
 - (b) be payable in such instalments, becoming due at such times, as may be so notified to him;and if any amount due from him remains unpaid after the date on which it became due, it shall from then on bear interest, at a rate determined from time to time by the Assembly of the Fund, until it is paid.
- (8) The Secretary of State may by regulations impose on persons who are or may be liable to pay contributions under this section obligations to give security for payment to the Secretary of State, or the Fund.
- (9) Regulations under subsection (8) above—
 - (a) may contain such supplemental or incidental provisions as appear to the Secretary of State expedient, and
 - (b) may impose penalties for contravention of the regulations punishable on summary conviction by a fine not exceeding level 5 on the standard scale, or such lower limit as may be specified in the regulations.
- (10) In this section and in section 174, unless the context otherwise requires—
 - “company” means a body incorporated under the law of the United Kingdom, or of any other country;
 - “group” in relation to companies, means a holding company and its subsidiaries as defined by section 736 of the Companies Act 1985 (or for companies in Northern Ireland Article 4 of the Companies (Northern Ireland) Order 1986), subject, in the case of a company incorporated outside the United Kingdom, to any necessary modifications of those definitions;
 - “importer” means the person by whom or on whose behalf the oil in question is entered for customs or excise purposes on importation, and “import” shall be construed accordingly;
 - “oil” means crude oil and fuel oil, and
 - (a) “crude oil” means any liquid hydrocarbon mixture occurring naturally in the earth whether or not treated to render it suitable for transportation, and includes—

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- (i) crude oils from which distillate fractions have been removed, and
- (ii) crude oils to which distillate fractions have been added,
- (b) “fuel oil” means heavy distillates or residues from crude oil or blends of such materials intended for use as a fuel for the production of heat or power of a quality equivalent to the “American Society for Testing and Materials' Specification for Number Four Fuel Oil (Designation D396-69)”, or heavier,
“terminal installation” means any site for the storage of oil in bulk which is capable of receiving oil from waterborne transportation, including any facility situated offshore and linked to any such site.

Power to obtain information

- 174 (1) For the purpose of transmitting to the Fund the names and addresses of the persons who under section 173 are liable to make contributions to the Fund for any year, and the quantity of oil in respect of which they are so liable, the Secretary of State may by notice require any person engaged in producing, treating, distributing or transporting oil to furnish such information as may be specified in the notice.
- (2) A notice under this section may require a company to give such information as may be required to ascertain whether its liability is affected by section 173(6).
- (3) A notice under this section may specify the way in which, and the time within which, it is to be complied with.
- (4) In proceedings by the Fund against any person to recover any amount due under section 173, particulars contained in any list transmitted by the Secretary of State to the Fund shall, so far as those particulars are based on information obtained under this section, be admissible as evidence of the facts stated in the list; and so far as particulars which are so admissible are based on information given by the person against whom the proceedings are brought, those particulars shall be presumed to be accurate until the contrary is proved.
- (5) If a person discloses any information which has been furnished to or obtained by him under this section, or in connection with the execution of this section, then, unless the disclosure is made—
- (a) with the consent of the person from whom the information was obtained, or
 - (b) in connection with the execution of this section, or
 - (c) for the purposes of any legal proceedings arising out of this section or of any report of such proceedings,
- he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (6) A person who—
- (a) refuses or intentionally neglects to comply with a notice under this section, or
 - (b) in furnishing any information in compliance with a notice under this section makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular,
- shall be liable—

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- (i) on summary conviction, to a fine not exceeding level 4 on the standard scale in the case of an offence under paragraph (a) above and not exceeding the statutory maximum in the case of an offence under paragraph (b) above, and
- (ii) on conviction on indictment, to a fine, or to imprisonment for a term not exceeding twelve months, or to both.

Compensation for persons suffering pollution damage

Liability of the Fund

- 175 (1) The Fund shall be liable for pollution damage in the territory of the United Kingdom if the person suffering the damage has been unable to obtain full compensation under section 153—
- (a) because the discharge or escape causing the damage—
 - (i) resulted from an exceptional, inevitable and irresistible phenomenon, or
 - (ii) was due wholly to anything done or left undone by another person (not being a servant or agent of the owner) with intent to do damage, or
 - (iii) was due wholly to the negligence or wrongful act of a government or other authority in exercising its function of maintaining lights or other navigational aids for the maintenance of which it was responsible,(and because liability is accordingly wholly displaced by section 155), or
 - (b) because the owner or guarantor liable for the damage cannot meet his obligations in full, or
 - (c) because the damage exceeds the liability under section 153 as limited by section 157.
- (2) Subsection (1) above shall apply with the substitution for the words “United Kingdom” of the words “a Fund Convention country” where—
- (a) the headquarters of the Fund is for the time being in the United Kingdom, and proceedings under the Liability Convention for compensation for the pollution damage have been brought in a country which is not a Fund Convention country, or
 - (b) the incident has caused pollution damage in the territory of the United Kingdom and of another Fund Convention country, and proceedings under the Liability Convention for compensation for the pollution damage have been brought in a country which is not a Fund Convention country or in the United Kingdom.
- (3) Where the incident has caused pollution damage in the territory of the United Kingdom and of another country in respect of which the Liability Convention is in force, references in this section to the provisions of Chapter III of this Part shall include references to the corresponding provisions of the law of any country giving effect to the Liability Convention.
- (4) Where proceedings under the Liability Convention for compensation for pollution damage have been brought in a country which is not a Fund Convention country and the Fund is liable for that pollution damage by virtue of subsection (2)(a) above, references in this section to the provisions of Chapter III of this Part shall be treated

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as references to the corresponding provisions of the law of the country in which those proceedings were brought.

- (5) For the purposes of this section an owner or guarantor is to be treated as incapable of meeting his obligations if the obligations have not been met after all reasonable steps to pursue the legal remedies available have been taken.
- (6) Expenses reasonably incurred, and sacrifices reasonably made, by the owner voluntarily to prevent or minimise pollution damage shall be treated as pollution damage for the purposes of this section, and accordingly he shall be in the same position with respect to claims against the Fund under this section as if he had a claim in respect of liability under section 153.
- (7) The Fund shall incur no obligation under this section if—
 - (a) it proves that the pollution damage—
 - (i) resulted from an act of war, hostilities, civil war or insurrection, or
 - (ii) was caused by oil which has escaped or been discharged from a warship or other ship owned or operated by a State and used, at the time of the occurrence, only on Government non-commercial service, or
 - (b) the claimant cannot prove that the damage resulted from an occurrence involving a ship identified by him, or involving two or more ships one of which is identified by him.
- (8) Subject to subsection (9) below, if the Fund proves that the pollution damage resulted wholly or partly—
 - (a) from an act or omission done with intent to cause damage by the person who suffered the damage, or
 - (b) from the negligence of that person,
 the Fund may be exonerated wholly or partly from its obligation to pay compensation to that person.
- (9) Subsection (8) above does not apply to a claim in respect of expenses or sacrifices made voluntarily to prevent or minimise pollution damage.
- (10) Where the liability under section 153 is limited to any extent by subsection (5) of that section, the Fund shall be exonerated to the same extent.

Limitation of Fund's liability under section 175

- 176 (1) The Fund's liability under section 175 shall be subject to the limits imposed by paragraphs 4, 5 and 6 of article 4 of the Fund Convention (as amended by Article III of the protocol dated 19th November 1976 to that Convention) which impose an overall limit on the liabilities of the owner and of the Fund, and the text of which is set out in Part II of Schedule 5.
- (2) Evidence of any instrument issued by any organ of the Fund or of any document in the custody of the Fund, or any entry in or extract from such a document, may be given in any legal proceedings by production of a copy certified as a true copy by an official of the Fund; and any document purporting to be such a copy shall be received in evidence without proof of the official position or handwriting of the person signing the certificate.

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- (3) For the purpose of giving effect to paragraphs 4, 5 and 6 of Article 4 of the Fund Convention a court giving judgment against the Fund in proceedings under section 175 shall notify the Fund, and—
- (a) no steps shall be taken to enforce the judgment unless and until the court gives leave to enforce it,
 - (b) that leave shall not be given unless and until the Fund notifies the court either that the amount of the claim is not to be reduced under those paragraphs, or that it is to be reduced to a specified amount, and
 - (c) in the latter case the judgment shall be enforceable only for the reduced amount.
- (4) Any steps taken to obtain payment of an amount or a reduced amount in pursuance of such a judgment as is mentioned in subsection (3) above shall be steps to obtain payment in sterling; and for the purpose of converting such an amount from special drawing rights into sterling one special drawing right shall be treated as equal to such a sum in sterling as the International Monetary Fund have fixed as being the equivalent of one special drawing right for—
- (a) the day on which the judgment is given; or
 - (b) if no sum has been so fixed for that day, the last day before that day for which a sum has been so fixed.
- (5) A certificate given by or on behalf of the Treasury stating—
- (a) that a particular sum in sterling has been so fixed for the day on which the judgment was given; or
 - (b) that no sum has been fixed for that day and that a particular sum in sterling has been so fixed for a day which is the last day for which a sum has been so fixed before the day on which the judgment was given,
- shall be conclusive evidence of those matters for the purposes of this Chapter.
- (6) A document purporting to be such a certificate shall, in any proceedings, be received in evidence and, unless the contrary is proved, be deemed to be such a certificate.

Indemnification of shipowners

Indemnification where damage is caused by ship registered in Fund Convention country

- 176A (1) Where a liability is incurred under section 153 in respect of a ship registered in a Fund Convention country the Fund shall indemnify the owner and his guarantor for that portion of the aggregate amount of the liability which—
- (a) is in excess of an amount equivalent to 100 special drawing rights for each ton of the ship's tonnage or of an amount of 8,333,000 special drawing rights, whichever is the less, and
 - (b) is not in excess of an amount equivalent to 133 special drawing rights for each ton of the said tonnage or an amount of 14 million special drawing rights, whichever is the less.
- (2) Where proceedings under the Liability Convention for compensation for pollution damage have been brought in a country which is not a Fund Convention country (but is a country in respect of which the Liability Convention is in force), and either—
- (a) the incident has caused pollution damage in the territory of the United Kingdom (as well as in the territory of that other country); or

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- (b) the headquarters of the Fund is for the time being in the United Kingdom, subsection (1) above shall apply with the omission of the words “under section 153”.
- (3) The Fund shall not incur an obligation under this section where the pollution damage resulted from the wilful misconduct of the owner.
- (4) In proceedings to enforce the Fund’s obligation under this section the court may exonerate the Fund wholly or partly if it is proved that, as a result of the actual fault or privity of the owner—
 - (a) the ship did not comply with such requirements as the Secretary of State may by order prescribe for the purposes of this section, and
 - (b) the occurrence or damage was caused wholly or partly by that non-compliance.
- (5) The requirements referred to in subsection (4) above are such requirements as appear to the Secretary of State appropriate to implement the provisions of—
 - (a) Article 5(3) of the Fund Convention (marine safety conventions), and
 - (b) Article 5(4) of the Fund Convention (which enables the Assembly of the Fund to substitute new conventions).
- (6) An order made under subsection (4) above may contain such transitional and other supplemental provisions as appear to the Secretary of State to be expedient.
- (7) Expenses reasonably incurred, and sacrifices reasonably made, by the owner voluntarily to prevent or minimise the pollution damage shall be treated as included in the owner’s liability for the purposes of this section.
- (8) For the purpose of converting into sterling the amount in special drawing rights adjudged to be payable by the Fund by way of indemnity in such proceedings as are mentioned in subsection (4) above, subsections (4) to (6) of section 176 shall have effect—
 - (a) if the liability in question has been limited in pursuance of section 158, as if—
 - (i) for the reference in the said subsection (4) to the amount there mentioned there were substituted a reference to the amount adjudged as aforesaid, and
 - (ii) for any reference to the day on which the judgment is or was given there were substituted a reference to the day on which the determination of the limit was made in pursuance of the said section 158; and
 - (b) if the liability in question has not been so limited, with the modification made by paragraph (a)(i) of this subsection and as if for any reference to the day on which the judgment is or was given there were substituted a reference to the day on which the said amount was so adjudged.

Supplemental

Jurisdiction and effect of judgments

- 177 (1) Paragraph 1(1)(d) of Schedule 1 to the Administration of Justice Act 1956 (Admiralty jurisdiction in claims for damage done by ships) shall be construed as extending to any claim in respect of a liability falling on the Fund under this Chapter; and the

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Admiralty jurisdiction of the Court of Session shall extend to any case arising out of any such claim.

- (2) Where in accordance with rules of court made for the purposes of this subsection the Fund has been given notice of proceedings brought against an owner or guarantor in respect of liability under section 153, any judgment given in the proceedings shall, after it has become final and enforceable, become binding upon the Fund in the sense that the facts and evidence in the judgment may not be disputed by the Fund even if the Fund has not intervened in the proceedings.
- (3) Where a person incurs a liability under the law of a Fund Convention Country corresponding to Chapter III of this Part for damage which is partly in the territory of the United Kingdom, subsection (2) above shall, for the purpose of proceedings under this Chapter, apply with any necessary modifications to a judgment in proceedings under that law of the said country.
- (4) Subject to subsection (5) below, Part I of the Foreign Judgments (Reciprocal Enforcement) Act 1933 shall apply, whether or not it would so apply apart from this subsection, to any judgment given by a court in a Fund Convention country to enforce a claim in respect of liability incurred under any provision corresponding to section 175 or 176A; and in its application to such a judgment the said Part I shall have effect with the omission of sections 4(2) and (3) of the Act of 1933.
- (5) No steps shall be taken to enforce such a judgment unless and until the court in which it is registered under Part I of the Act of 1933 gives leave to enforce it; and—
 - (a) that leave shall not be given unless and until the Fund notifies the court either that the amount of the claim is not to be reduced under paragraph 4 of article 4 of the Fund Convention (as set out in Part II of Schedule 5) or that it is to be reduced to a specified amount; and
 - (b) in the latter case, the judgment shall be enforceable only for the reduced amount.

Extinguishment of claims

- 178 (1) No action to enforce a claim against the Fund under this Chapter shall be entertained by a court in the United Kingdom unless—
- (a) the action is commenced, or
 - (b) a third party notice of an action to enforce a claim against the owner or his guarantor in respect of the same damage is given to the Fund,
- not later than three years after the claim against the Fund arose.

In this subsection “third party notice” means a notice of the kind described in section 177(2) and (3).

- (2) No action to enforce a claim against the Fund under this Chapter shall be entertained by a court in the United Kingdom unless the action is commenced not later than six years after the occurrence, or first of the occurrences, resulting in the discharge or escape by reason of which the claim against the Fund arose.
- (3) Notwithstanding the preceding provisions of this section, a person’s right to bring an action under the section 176A shall not be extinguished before six months from the date when that person first acquired knowledge of the bringing of an action against him under Chapter III of this Part, or under the corresponding provisions of the law of any country outside the United Kingdom giving effect to the Liability Convention.

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Subrogation

- 179 (1) In respect of any sum paid by the Fund as compensation for pollution damage the Fund shall acquire by subrogation any rights in respect of the damage which the recipient has (or but for the payment would have) against any other person.
- (2) The right of the Fund under subsection (1) above is subject to any obligation of the Fund under section 176A above to indemnify the owner or guarantor for any part of the liability on which he has defaulted.
- (3) In respect of any sum paid by a public authority in the United Kingdom as compensation for pollution damage, that authority shall acquire by subrogation any rights which the recipient has against the Fund under this Chapter.

Interpretation

- 181 (1) In this Chapter, unless the context otherwise requires—
- “damage” includes loss;
 - “discharge or escape”, in relation to pollution damage, means the discharge or escape of oil carried by the ship;
 - “guarantor” means any person providing insurance or other financial security to cover the owner’s liability of the kind described in section 163;
 - “oil”, except in sections 173 and 174, means persistent hydrocarbon mineral oil;
 - “owner” means the person or persons registered as the owner of the ship or, in the absence of registration, the person or persons owning the ship, except that, in relation to a ship owned by a State which is operated by a person registered as the ship’s operator, it means the person registered as its operator;
 - “pollution damage” means damage caused outside the ship carrying oil by contamination resulting from the escape or discharge of oil from the ship, wherever the escape or discharge may occur, and includes the cost of preventive measures and further damage caused by preventive measures;
 - “preventive measures” means any reasonable measures taken by any person after the occurrence to prevent or minimise pollution damage; and
 - “ship” means any sea-going ship and any seaborne craft of any type whatsoever carrying oil in bulk as cargo.
- (2) References in this Chapter to the territory of any country include the territorial sea of that country, and references to pollution damage in the United Kingdom shall be construed accordingly.
- (3) For the purposes of this Chapter a ship’s tonnage shall be the net tonnage of the ship with the addition of the amount deducted from the gross tonnage on account of engine room space for the purpose of ascertaining the net tonnage.
- If the ship cannot be measured in accordance with the normal rules, its tonnage shall be deemed to be 40 per cent of the weight in tons (of 2,240 lbs) of oil which the ship is capable of carrying.
- (4) For the purposes of this Chapter, where more than one discharge or escape results from the same occurrence or from a series of occurrences having the same origin, they shall be treated as one.

SCHEDULE 5

Section 176.

OVERALL LIMIT ON LIABILITY OF FUND

PART I

PERMANENT PROVISION

Article 4 — paragraphs 4 and 5

- 4 (a) Except as otherwise provided in sub-paragraphs (b) and (c) of this paragraph, the aggregate amount of compensation payable by the Fund under this Article shall in respect of any one incident be limited, so that the total sum of that amount and the amount of compensation actually paid under the Liability Convention for pollution damage within the scope of application of this Convention as defined in Article 3 shall not exceed 135 million units of account.
- (b) Except as otherwise provided in sub-paragraph (c), the aggregate amount of compensation payable by the Fund under this Article for pollution damage resulting from a natural phenomenon of an exceptional, inevitable and irresistible character shall not exceed 135 million units of account.
- (c) The maximum amount of compensation referred to in sub-paragraphs (a) and (c) shall be 200 million units of account with respect to any incident occurring during any period when there are three Parties to this Convention in respect of which the combined relevant quantity of contributing oil received by persons in the territories of such Parties, during the preceding calendar year, equalled or exceeded 600 million tons.
- (d) Interest accrued on a fund constituted in accordance with Article V, paragraph 3, of the Liability Convention, if any, shall not be taken into account for the computation of the maximum compensation payable by the Fund under this Article.
- (e) The amounts mentioned in this Article shall be converted into national currency on the basis of the value of that currency by reference to the Special Drawing Right on the date of the decision of the Assembly of the Fund as to the first date of payment of compensation.
- 5 Where the amount of established claims against the Fund exceeds the aggregate amount of compensation payable under paragraph 4, the amount available shall be distributed in such a manner that the proportion between any established claim and the amount of compensation actually recovered by the claimant under this Convention shall be the same for all claimants.

PART II

TRANSITORY PROVISION

Article 4 — paragraphs 4, 5 and 6

- 4 (a) Except as otherwise provided in sub-paragraph (b) of this paragraph, the aggregate amount of compensation payable by the Fund under this Article shall in respect of any one incident be limited, so that the total sum of that

amount and the amount of compensation actually paid under the Liability Convention for pollution damage caused in the territory of the Contracting States, including any sums in respect of which the Fund is under an obligation to indemnify the owner pursuant to Article 5, paragraph 1, of this Convention, shall not exceed 30 million special drawing rights,

- (b) The aggregate amount of compensation payable by the Fund under this Article for pollution damage resulting from a natural phenomenon of an exceptional, inevitable and irresistible character shall not exceed 30 million special drawing rights.

5 Where the amount of established claims against the Fund exceeds the aggregate amount of compensation payable under paragraph 4, the amount available shall be distributed in such manner that the proportion between any established claim and the amount of compensation actually recovered by the claimant under the Liability Convention and this Convention shall be the same for all claimants.

6 The Assembly of the Fund (hereinafter referred to as “the Assembly”) may, having regard to the experience of incidents which have occurred and in particular the amount of damage resulting therefrom and to changes in the monetary values, decide that the amount of 30 million special drawing rights referred to in paragraph 4, subparagraph (a) and (b), shall be changed; provided, however, that this amount shall in no case exceed 60 million special drawing rights or be lower than 30 million special drawing rights. The changed amount shall apply to incidents which occur after the date of the decision effecting the change.

SCHEDULE 6

Section 183.

CONVENTION RELATING TO THE CARRIAGE OF PASSENGERS AND THEIR LUGGAGE BY SEA

PART I

TEXT OF CONVENTION

ARTICLE 1

Definitions

In this Convention the following expressions have the meaning hereby assigned to them:

- 1 (a) “carrier” means a person by or on behalf of whom a contract of carriage has been concluded, whether the carriage is actually performed by him or by a performing carrier;
- (b) “performing carrier” means a person other than the carrier, being the owner, charterer or operator of a ship, who actually performs the whole or a part of the carriage;
- 2 “contract of carriage” means a contract made by or on behalf of a carrier for the carriage by sea of a passenger or of a passenger and his luggage, as the case may be;
- 3 “ship” means only a seagoing vessel, excluding an air-cushion vehicle;

- 4 “passenger” means any person carried in a ship,
- (a) under a contract of carriage, or
 - (b) who, with the consent of the carrier, is accompanying a vehicle or live animals which are covered by a contract for the carriage of goods not governed by this Convention;
- 5 “luggage” means any article or vehicle carried by the carrier under a contract of carriage, excluding:
- (a) articles and vehicles carried under a charter party, bill of lading or other contract primarily concerned with the carriage of goods, and
 - (b) live animals;
- 6 “cabin luggage” means luggage which the passenger has in his cabin or is otherwise in his possession, custody or control. Except for the application of paragraph 8 of this Article and Article 8, cabin luggage includes luggage which the passenger has in or on his vehicle.
- 7 “loss of or damage to luggage” includes pecuniary loss resulting from the luggage not having been re-delivered to the passenger within a reasonable time after the arrival of the ship on which the luggage has been or should have been carried, but does not include delays resulting from labour disputes;
- 8 “carriage” covers the following periods:
- (a) with regard to the passenger and his cabin luggage, the period during which the passenger and/or his cabin luggage are on board the ship or in the course of embarkation or disembarkation, and the period during which the passenger and his cabin luggage are transported by water from land to the ship or vice versa, if the cost of such transport is included in the fare or if the vessel used for the purpose of auxiliary transport has been put at the disposal of the passenger by the carrier. However, with regard to the passenger, carriage does not include the period during which he is in a marine terminal or station or on a quay or in or on any other port installation;
 - (b) with regard to cabin luggage, also the period during which the passenger is in a marine terminal or station or on a quay or in or on any other port installation if that luggage has been taken over by the carrier or his servant or agent and has not been re-delivered to the passenger;
 - (c) with regard to other luggage which is not cabin luggage, the period from the time of its taking over by the carrier or his servant or agent onshore or on board until the time of its re-delivery by the carrier or his servant or agent;
- 9 “international carriage” means any carriage in which, according to the contract of carriage, the place of departure and the place of destination are situated in two different States, or in a single State if, according to the contract of carriage or the scheduled itinerary, there is an intermediate port of call in another State.

ARTICLE 2

Application

- 1 This Convention shall apply to any international carriage if:
- (a) the ship is flying the flag of or is registered in a State Party to this Convention, or

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- (b) the contract of carriage has been made in a State Party to this Convention, or
- (c) the place of departure or destination, according to the contract of carriage, is in a State Party to this Convention.

2 Notwithstanding paragraph 1 of this Article, this Convention shall not apply when the carriage is subject, under any other international convention concerning the carriage of passengers or luggage by another mode of transport, to a civil liability regime under the provisions of such convention, in so far as those provisions have mandatory application to carriage by sea.

ARTICLE 3

Liability of the carrier

1 The carrier shall be liable for the damage suffered as a result of the death of or personal injury to a passenger and the loss of or damage to luggage if the incident which caused the damage so suffered occurred in the course of the carriage and was due to the fault or neglect of the carrier or of his servants or agents acting within the scope of their employment.

2 The burden of proving that the incident which caused the loss or damage occurred in the course of the carriage, and the extent of the loss or damage, shall lie with the claimant.

3 Fault or neglect of the carrier or of his servants or agents acting within the scope of their employment shall be presumed, unless the contrary is proved, if the death of or personal injury to the passenger or the loss of or damage to cabin luggage arose from or in connection with the shipwreck, collision, stranding, explosion or fire, or defect in the ship. In respect of loss of or damage to other luggage, such fault or neglect shall be presumed, unless the contrary is proved, irrespective of the nature of the incident which caused the loss or damage. In all other cases the burden of proving fault or neglect shall lie with the claimant.

ARTICLE 4

Performing carrier

1 If the performance of the carriage or part thereof has been entrusted to a performing carrier, the carrier shall nevertheless remain liable for the entire carriage according to the provisions of this Convention. In addition, the performing carrier shall be subject and entitled to the provisions of this Convention for the part of the carriage performed by him.

2 The carrier shall, in relation to the carriage performed by the performing carrier, be liable for the acts and omissions of the performing carrier and of his servants and agents acting within the scope of their employment.

3 Any special agreement under which the carrier assumes obligations not imposed by this Convention or any waiver of rights conferred by this Convention shall affect the performing carrier only if agreed by him expressly and in writing.

4 Where and to the extent that both the carrier and the performing carrier are liable, their liability shall be joint and several.

- 5 Nothing in this Article shall prejudice any right of recourse as between the carrier and the performing carrier.

ARTICLE 5

Valuables

The carrier shall not be liable for the loss of or damage to monies, negotiable securities, gold, silverware, jewellery, ornaments, works of art, or other valuables, except where such valuables have been deposited with the carrier for the agreed purpose of safe-keeping in which case the carrier shall be liable up to the limit provided for in paragraph 3 of Article 8 unless a higher limit is agreed upon in accordance with paragraph 1 of Article 10.

ARTICLE 6

Contributory fault

If the carrier proves that the death of or personal injury to a passenger or the loss of or damage to his luggage was caused or contributed to by the fault or neglect of the passenger, the court seized of the case may exonerate the carrier wholly or partly from his liability in accordance with the provisions of the law of that court.

ARTICLE 7

Limit of liability for personal injury

- 1 The liability of the carrier for the death of or personal injury to a passenger shall in no case exceed 46,666 units of account per carriage. Where in accordance with the law of the court seized of the case damages are awarded in the form of periodical income payments, the equivalent capital value of those payments shall not exceed the said limit.
- 2 Notwithstanding paragraph 1 of this Article, the national law of any State Party to this Convention may fix, as far as carriers who are nationals of such State are concerned, a higher *per capita* limit of liability.

ARTICLE 8

Limit of liability for loss of or damage to luggage

- 1 The liability of the carrier for the loss of or damage to cabin luggage shall in no case exceed 833 units of account per passenger, per carriage.
- 2 The liability of the carrier for the loss of or damage to vehicles including all luggage carried in or on the vehicle shall in no case exceed 3,333 units of account per vehicle, per carriage.
- 3 The liability of the carrier for the loss of or damage to luggage other than that mentioned in paragraphs 1 and 2 of this Article shall in no case exceed 1,200 units of account per passenger, per carriage.

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- 4 The carrier and the passenger may agree that the liability of the carrier shall be subject to a deduction not exceeding 117 units of account in the case of damage to a vehicle and not exceeding 13 units of account per passenger in the case of loss of or damage to other luggage, such sum to be deducted from the loss or damage.

ARTICLE 9

Unit of account and conversion

The Unit of Account mentioned in this Convention is the special drawing right as defined by the International Monetary Fund. The amounts mentioned in Articles 7 and 8 shall be converted into the national currency of the State of the court seized of the case on the basis of the value of that currency on the date of the judgment or the date agreed upon by the Parties.

ARTICLE 10

Supplementary provisions on limits of liability

- 1 The carrier and the passenger may agree, expressly and in writing, to higher limits of liability than those prescribed in Articles 7 and 8.
- 2 Interest on damages and legal costs shall not be included in the limits of liability prescribed in Articles 7 and 8.

ARTICLE 11

Defences and limits for carriers' servants

If an action is brought against a servant or agent of the carrier or of the performing carrier arising out of damage covered by this Convention, such servant or agent, if he proves that he acted within the scope of his employment, shall be entitled to avail himself of the defences and limits of liability which the carrier or the performing carrier is entitled to invoke under this Convention.

ARTICLE 12

Aggregation of claims

- 1 Where the limits of liability prescribed in Articles 7 and 8 take effect, they shall apply to the aggregate of the amounts recoverable in all claims arising out of the death of or personal injury to any one passenger or the loss of or damage to his luggage.
- 2 In relation to the carriage performed by a performing carrier, the aggregate of the amounts recoverable from the carrier and the performing carrier and from their servants and agents acting within the scope of their employment shall not exceed the highest amount which could be awarded against either the carrier or the performing carrier under this Convention, but none of the persons mentioned shall be liable for a sum in excess of the limit applicable to him.

- 3 In any case where a servant or agent of the carrier or of the performing carrier is entitled under Article 11 of this Convention to avail himself of the limits of liability prescribed in Articles 7 and 8, the aggregate of the amounts recoverable from the carrier, or the performing carrier as the case may be, and from that servant or agent, shall not exceed those limits.

ARTICLE 13

Loss of right to limit liability

- 1 The carrier shall not be entitled to the benefit of the limits of liability prescribed in Articles 7 and 8 and paragraph 1 of Article 10, if it is proved that the damage resulted from an act or omission of the carrier done with the intent to cause such damage, or recklessly and with knowledge that such damage would probably result.
- 2 The servant or agent of the carrier or of the performing carrier shall not be entitled to the benefit of those limits if it is proved that the damage resulted from an act or omission of that servant or agent done with the intent to cause such damage, or recklessly and with knowledge that such damage would probably result.

ARTICLE 14

Basis for claims

No action for damages for the death of or personal injury to a passenger, or for the loss of or damage to luggage, shall be brought against a carrier or performing carrier otherwise than in accordance with this Convention.

ARTICLE 15

Notice of loss or damage to luggage

- 1 The passenger shall give written notice to the carrier or his agent:
- (a) in the case of apparent damage to luggage:
 - (i) for cabin luggage, before or at the time of disembarkation of the passenger;
 - (ii) for all other luggage, before or at the time of its re-delivery;
 - (b) in the case of damage to luggage which is not apparent, or loss of luggage, within 15 days from the date of disembarkation or re-delivery or from the time when such re-delivery should have taken place.
- 2 If the passenger fails to comply with this Article, he shall be presumed, unless the contrary is proved, to have received the luggage undamaged.
- 3 The notice in writing need not be given if the condition of the luggage has at the time of its receipt been the subject of joint survey or inspection.

ARTICLE 16

Time-bar for actions

- 1 Any action for damages arising out of the death of or personal injury to a passenger or for the loss of or damage to luggage shall be time-barred after a period of two years.
- 2 The limitation period shall be calculated as follows:
- (a) in the case of personal injury, from the date of disembarkation of the passenger;
 - (b) in the case of death occurring during carriage, from the date when the passenger should have disembarked, and in the case of personal injury occurring during carriage and resulting in the death of the passenger after disembarkation, from the date of death, provided that this period shall not exceed three years from the date of disembarkation;
 - (c) in the case of loss of or damage to luggage, from the date of disembarkation or from the date when disembarkation should have taken place, whichever is later.
- 3 The law of the court seized of the case shall govern the grounds of suspension and interruption of limitation periods, but in no case shall an action under this Convention be brought after the expiration of a period of three years from the date of disembarkation of the passenger or from the date when disembarkation should have taken place, whichever is later.
- 4 Notwithstanding paragraphs 1, 2 and 3 of this Article, the period of limitation may be extended by a declaration of the carrier or by agreement of the parties after the cause of action has arisen. The declaration or agreement shall be in writing.

ARTICLE 17

Competent jurisdiction

- 1 An action arising under this Convention shall, at the option of the claimant, be brought before one of the courts listed below, provided that the court is located in a State Party to this Convention:
- (a) the court of the place of permanent residence or principal place of business of the defendant, or
 - (b) the court of the place of departure or that of the destination according to the contract of carriage, or
 - (c) a court of the State of the domicile or permanent residence of the claimant, if the defendant has a place of business and is subject to jurisdiction in that State, or
 - (d) a court of the State where the contract of carriage was made, if the defendant has a place of business and is subject to jurisdiction in that State.
- 2 After the occurrence of the incident which has caused the damage, the parties may agree that the claim for damages shall be submitted to any jurisdiction or to arbitration.

ARTICLE 18

Invalidity of contractual provisions

Any contractual provision concluded before the occurrence of the incident which has caused the death of or personal injury to a passenger or the loss of or damage to his luggage, purporting to relieve the carrier of his liability towards the passenger or to prescribe a lower limit of liability than that fixed in this Convention except as provided in paragraph 4 of Article 8, and any such provision purporting to shift the burden of proof which rests on the carrier, or having the effect of restricting the option specified in paragraph 1 of Article 17, shall be null and void, but the nullity of that provision shall not render void the contract of carriage which shall remain subject to the provisions of this Convention.

ARTICLE 19

Other conventions on limitation of liability

This Convention shall not modify the rights or duties of the carrier, the performing carrier, and their servants or agents provided for in international conventions relating to the limitation of liability of owners of seagoing ships.

ARTICLE 20

Nuclear damage

No liability shall arise under this Convention for damage caused by a nuclear incident:

- (a) if the operator of a nuclear installation is liable to such damage under either the Paris Convention of 29 July 1960 on Third Party Liability in the Field of Nuclear Energy as amended by its Additional Protocol of 28 January 1964, or the Vienna Convention of 21 May 1963 on Civil Liability for Nuclear Damage, or
- (b) if the operator of a nuclear installation is liable for such damage by virtue of a national law governing the liability for such damage, provided that such law is in all respects as favourable to persons who may suffer damage as either the Paris or the Vienna Conventions.

ARTICLE 21

Commercial carriage by public authorities

This Convention shall apply to commercial carriage undertaken by States or Public Authorities under contracts of carriage within the meaning of Article 1.

PART II

PROVISIONS HAVING EFFECT IN CONNECTION WITH CONVENTION

Interpretation

- 1 In this Part of this Schedule any reference to a numbered article is a reference to the article of the Convention which is so numbered and any expression to which a meaning is assigned by article 1 of the Convention has that meaning.

Provisions adapting or supplementing specified articles of the Convention

- 2 For the purposes of paragraph 2 of article 2, provisions of such an international convention as is mentioned in that paragraph which apart from this paragraph do not have mandatory application to carriage by sea shall be treated as having mandatory application to carriage by sea if it is stated in the contract of carriage for the carriage in question that those provisions are to apply in connection with the carriage.

- 3 The reference to the law of the court in article 6 shall be construed as a reference to the Law Reform (Contributory Negligence) Act 1945 except that in relation to Northern Ireland it shall be construed as a reference to section 2 of the Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1948.

- 4 The Secretary of State may by order provide that, in relation to a carrier whose principal place of business is in the United Kingdom, paragraph 1 of article 7 shall have effect with the substitution for the limit for the time being specified in that paragraph of a different limit specified in the order (which shall not be lower than 46,666 units of account).

- 5 (1) For the purpose of converting from special drawing rights into sterling the amounts mentioned in articles 7 and 8 of the Convention in respect of which a judgment is given, one special drawing right shall be treated as equal to such a sum in sterling as the International Monetary Fund have fixed as being the equivalent of one special drawing right for—

- (a) the day on which the judgment is given; or
- (b) if no sum has been so fixed for that day, the last day before that day for which a sum has been so fixed.

- (2) A certificate given by or on behalf of the Treasury stating—

- (a) that a particular sum in sterling has been fixed as mentioned in subparagraph (1) above for a particular day; or
- (b) that no sum has been so fixed for that day and a particular sum in sterling has been so fixed for a day which is the last day for which a sum has been so fixed before the particular day,

shall be conclusive evidence of those matters for the purposes of articles 7 to 9 of the Convention; and a document purporting to be such a certificate shall, in any proceedings, be received in evidence and, unless the contrary is proved, be deemed to be such a certificate.

- 6 It is hereby declared that by virtue of article 12 the limitations on liability there mentioned in respect of a passenger or his luggage apply to the aggregate liabilities of the persons in question in all proceedings for enforcing the liabilities or any of them which may be brought whether in the United Kingdom or elsewhere.

7 Article 16 shall apply to an arbitration as it applies to an action; and section 34(3) and (4) of the Limitation Act 1980 and Article 73(2) and (4) of the Limitation (Northern Ireland) Order 1989 (which determine when an arbitration is deemed to commence) shall apply for the purposes of article 16 as they apply for the purposes of that Act and Order.

8 The court before which proceedings are brought in pursuance of article 17 to enforce a liability which is limited by virtue of article 12 may at any stage of the proceedings make such orders as appear to the court to be just and equitable in view of the provisions of article 12 and of any other proceedings which have been or are likely to be begun in the United Kingdom or elsewhere to enforce the liability in whole or in part; and without prejudice to the generality of the preceding provisions of this paragraph such a court shall, where the liability is or may be partly enforceable in other proceedings in the United Kingdom or elsewhere, have jurisdiction to award an amount less than the court would have awarded if the limitation applied solely to the proceedings before the court or to make any part of its award conditional on the results of any other proceedings.

Other provisions adapting or supplementing the Convention

9 Any reference in the Convention to a contract of carriage excludes a contract of carriage which is not for reward.

10 If Her Majesty by Order in Council declares that any State specified in the Order is a party to the Convention in respect of a particular country the Order shall, subject to the provisions of any subsequent Order made by virtue of this paragraph, be conclusive evidence that the State is a party to the Convention in respect of that country.

11 The Secretary of State may by order make provision—

- (a) for requiring a person who is the carrier in relation to a passenger to give to the passenger, in a manner specified in the order, notice of such of the provisions of Part I of this Schedule as are so specified;
- (b) for a person who fails to comply with a requirement imposed on him by the order to be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding level 4 on the standard scale or not exceeding a lesser amount.

Application of ss. 185 and 186 of this Act

12 It is hereby declared that nothing in the Convention affects the operation of section 185 of this Act (which limits a shipowner's liability in certain cases of loss of life, injury or damage).

13 Nothing in section 186 of this Act (which among other things limits a shipowner's liability for the loss or damage of goods in certain cases) shall relieve a person of any liability imposed on him by the Convention.

SCHEDULE 7

Section 185.

CONVENTION ON LIMITATION OF LIABILITY FOR MARITIME CLAIMS 1976

PART I

TEXT OF CONVENTION

CHAPTER I.

THE RIGHT OF LIMITATION

Article 1

Persons entitled to limit liability

- 1 Shipowners and salvors, as hereinafter defined, may limit their liability in accordance with the rules of this Convention for claims set out in Article 2.
- 2 The term “shipowner” shall mean the owner, charterer, manager or operator of a seagoing ship.
- 3 Salvor shall mean any person rendering services in direct connection with salvage operations. Salvage operations shall also include operations referred to in Article 2, paragraph 1(d), (e) and (f).
- 4 If any claims set out in Article 2 are made against any person for whose act, neglect or default the shipowner or salvor is responsible, such person shall be entitled to avail himself of the limitation of liability provided for in this Convention.
- 5 In this Convention the liability of a shipowner shall include liability in an action brought against the vessel herself.
- 6 An insurer of liability for claims subject to limitation in accordance with the rules of this Convention shall be entitled to the benefits of this Convention to the same extent as the assured himself.
- 7 The act of invoking limitation of liability shall not constitute an admission of liability.

Article 2

Claims subject to limitation

- 1 Subject to Articles 3 and 4 the following claims, whatever the basis of liability may be, shall be subject to limitation of liability:
- (a) claims in respect of loss of life or personal injury or loss of or damage to property (including damage to harbour works, basins and waterways and aids to navigation), occurring on board or in direct connection with the operation of the ship or with salvage operations, and consequential loss resulting therefrom;
 - (b) claims in respect of loss resulting from delay in the carriage by sea of cargo, passengers or their luggage;

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- (c) claims in respect of other loss resulting from infringement of rights other than contractual rights, occurring in direct connection with the operation of the ship or salvage operations;
 - (d) claims in respect of the raising, removal, destruction or the rendering harmless of a ship which is sunk, wrecked, stranded or abandoned, including anything that is or has been on board such ship;
 - (e) claims in respect of the removal, destruction or the rendering harmless of the cargo of the ship;
 - (f) claims of a person other than the person liable in respect of measures taken in order to avert or minimise loss for which the person liable may limit his liability in accordance with this Convention, and further loss caused by such measures.
- 2 Claims set out in paragraph 1 shall be subject to limitation of liability even if brought by way of recourse or for indemnity under a contract or otherwise. However, claims set out under paragraph 1(d), (e) and (f) shall not be subject to limitation of liability to the extent that they relate to remuneration under a contract with the person liable.

Article 3

Claims excepted from limitation

The rules of this Convention shall not apply to:

- (a) claims for salvage or contribution in general average;
- (b) claims for oil pollution damage within the meaning of the International Convention on Civil Liability for Oil Pollution Damage dated 29th November 1969 or of any amendment or Protocol thereto which is in force;
- (c) claims subject to any international convention or national legislation governing or prohibiting limitation of liability for nuclear damage;
- (d) claims against the shipowner of a nuclear ship for nuclear damage;
- (e) claims by servants of the shipowner or salvor whose duties are connected with the ship or the salvage operations, including claims of their heirs, dependants or other persons entitled to make such claims, if under the law governing the contract of service between the shipowner or salvor and such servants the shipowner or salvor is not entitled to limit his liability in respect of such claims, or if he is by such law only permitted to limit his liability to an amount greater than that provided for in Article 6.

Article 4

Conduct barring limitation

A person liable shall not be entitled to limit his liability if it is proved that the loss resulted from his personal act or omission, committed with the intent to cause such loss, or recklessly and with knowledge that such loss would probably result.

Article 5

Counterclaims

Where a person entitled to limitation of liability under the rules of this Convention has a claim against the claimant arising out of the same occurrence, their respective claims shall be set off against each other and the provisions of this Convention shall only apply to the balance, if any.

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CHAPTER II.

LIMITS OF LIABILITY

Article 6

The general limits

- 1 The limits of liability for claims other than those mentioned in Article 7, arising on any distinct occasion, shall be calculated as follows:
- (a) in respect of claims for loss of life or personal injury,
 - (i) 333,000 Units of Account for a ship with a tonnage not exceeding 500 tons,
 - (ii) for a ship with a tonnage in excess thereof, the following amount in addition to that mentioned in (i):
 - for each ton from 501 to 3,000 tons, 500 Units of Account;
 - for each ton from 3,001 to 30,000 tons, 333 Units of Account;
 - for each ton from 30,001 to 70,000 tons, 250 Units of Account, and
 - for each ton in excess of 70,000 tons, 167 Units of Account,
 - (b) in respect of any other claims,
 - (i) 167,000 Units of Account for a ship with a tonnage not exceeding 500 tons,
 - (ii) for a ship with a tonnage in excess thereof the following amount in addition to that mentioned in (i):
 - for each ton from 501 to 30,000 tons, 167 Units of Account;
 - for each ton from 30,001 to 70,000 tons, 125 Units of Account; and
 - for each ton in excess of 70,000 tons, 83 Units of Account.
- 2 Where the amount calculated in accordance with paragraph 1(a) is insufficient to pay the claims mentioned therein in full, the amount calculated in accordance with paragraph 1(b) shall be available for payment of the unpaid balance of claims under paragraph 1(a) and such unpaid balance shall rank rateably with claims mentioned under paragraph 1(b).
- 4 The limits of liability for any salvor not operating from any ship or for any salvor operating solely on the ship to, or in respect of which he is rendering salvage services, shall be calculated according to a tonnage of 1,500 tons.

Article 7

The limit for passenger claims

- 1 In respect of claims arising on any distinct occasion for loss of life or personal injury to passengers of a ship, the limit of liability of the shipowner thereof shall be an amount of 46,666 Units of Account multiplied by the number of passengers which the ship is authorised to carry according to the ship's certificate, but not exceeding 25 million Units of Account.
- 2 For the purpose of this Article "claims for loss of life or personal injury to passengers of a ship" shall mean any such claims brought by or on behalf of any person carried in that ship:

- (a) under a contract of passenger carriage, or
- (b) who, with the consent of the carrier, is accompanying a vehicle or live animals which are covered by a contract for the carriage of goods.

Article 8

Unit of Account

The Unit of Account referred to in Articles 6 and 7 is the special drawing right as defined by the International Monetary Fund. The amounts mentioned in Articles 6 and 7 shall be converted into the national currency of the State in which limitation is sought, according to the value of that currency at the date the limitation fund shall have been constituted, payment is made, or security is given which under the law of that State is equivalent to such payment.

Article 9

Aggregation of claims

- 1 The limits of liability determined in accordance with Article 6 shall apply to the aggregate of all claims which arise on any distinct occasion:
 - (a) against the person or persons mentioned in paragraph 2 of Article 1 and any person for whose act, neglect or default he or they are responsible; or
 - (b) against the shipowner of a ship rendering salvage services from that ship and the salvor or salvors operating from such ship and any person for whose act, neglect or default he or they are responsible; or
 - (c) against the salvor or salvors who are not operating from a ship or who are operating solely on the ship to, or in respect of which, the salvage services are rendered and any person for whose act, neglect or default he or they are responsible.
- 2 The limits of liability determined in accordance with Article 7 shall apply to the aggregate of all claims subject thereto which may arise on any distinct occasion against the person or persons mentioned in paragraph 2 of Article 1 in respect of the ship referred to in Article 7 and any person for whose act, neglect or default he or they are responsible.

Article 10

Limitation of liability without constitution of a limitation fund

- 1 Limitation of liability may be invoked notwithstanding that a limitation fund as mentioned in Article 11 has not been constituted.
- 2 If limitation of liability is invoked without the constitution of a limitation fund, the provisions of Article 12 shall apply correspondingly.
- 3 Questions of procedure arising under the rules of this Article shall be decided in accordance with the national law of the State Party in which action is brought.

Status: This is the original version (as it was originally enacted).

CHAPTER III.

THE LIMITATION FUND

Article 11

Constitution of the Fund

- 1 Any person alleged to be liable may constitute a fund with the Court or other competent authority in any State Party in which legal proceedings are instituted in respect of claims subject to limitation. The fund shall be constituted in the sum of such of the amounts set out in Articles 6 and 7 as are applicable to claims for which that person may be liable, together with interest thereon from the date of the occurrence giving rise to the liability until the date of the constitution of the fund. Any fund thus constituted shall be available only for the payment of claims in respect of which limitation of liability can be invoked.
- 2 A fund may be constituted, either by depositing the sum, or by producing a guarantee acceptable under the legislation of the State Party where the fund is constituted and considered to be adequate by the Court or other competent authority.
- 3 A fund constituted by one of the persons mentioned in paragraph 1(a), (b) or (c) or paragraph 2 of Article 9 or his insurer shall be deemed constituted by all persons mentioned in paragraph 1(a), (b) or (c) or paragraph 2, respectively.

Article 12

Distribution of the fund

- 1 Subject to the provisions of paragraphs 1 and 2 of Article 6 and of Article 7, the fund shall be distributed among the claimants in proportion to their established claims against the fund.
- 2 If, before the fund is distributed, the person liable, or his insurer, has settled a claim against the fund such person shall, up to the amount he has paid, acquire by subrogation the rights which the person so compensated would have enjoyed under this Convention.
- 3 The right of subrogation provided for in paragraph 2 may also be exercised by persons other than those therein mentioned in respect of any amount of compensation which they may have paid, but only to the extent that such subrogation is permitted under the applicable national law.
- 4 Where the person liable or any other person establishes that he may be compelled to pay, at a later date, in whole or in part any such amount of compensation with regard to which such person would have enjoyed a right of subrogation pursuant to paragraphs 2 and 3 had the compensation been paid before the fund was distributed, the Court or other competent authority of the State where the fund has been constituted may order that a sufficient sum shall be provisionally set aside to enable such person at such later date to enforce his claim against the fund.

Article 13

Bar to other actions

- 1 Where a limitation fund has been constituted in accordance with Article 11, any person having made a claim against the fund shall be barred from exercising any

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- right in respect of such a claim against any other assets of a person by or on behalf of whom the fund has been constituted.
- 2 After a limitation fund has been constituted in accordance with Article 11, any ship or other property, belonging to a person on behalf of whom the fund has been constituted, which has been arrested or attached within the jurisdiction of a State Party for a claim which may be raised against the fund, or any security given, may be released by order of the Court or other competent authority of such State. However, such release shall always be ordered if the limitation fund has been constituted:
- (a) at the port where the occurrence took place, or, if it took place out of port, at the first port of call thereafter; or
 - (b) at the port of disembarkation in respect of claims for loss of life or personal injury; or
 - (c) at the port of discharge in respect of damage to cargo; or
 - (d) in the State where the arrest is made.
- 3 The rules of paragraphs 1 and 2 shall apply only if the claimant may bring a claim against the limitation fund before the Court administering that fund and the fund is actually available and freely transferable in respect of that claim.

Article 14

Governing law

Subject to the provisions of this Chapter the rules relating to the constitution and distribution of a limitation fund, and all rules of procedure in connection therewith, shall be governed by the law of the State Party in which the fund is constituted.

CHAPTER IV.

SCOPE OF APPLICATION

Article 15

This Convention shall apply whenever any person referred to in Article 1 seeks to limit his liability before the Court of a State Party or seeks to procure the release of a ship or other property or the discharge of any security given within the jurisdiction of any such State.

PART II

PROVISIONS HAVING EFFECT IN CONNECTION WITH CONVENTION

Interpretation

- 1 In this Part of this Schedule any reference to a numbered article is a reference to the article of the Convention which is so numbered.

Status: This is the original version (as it was originally enacted).

Right to limit liability

- 2 The right to limit liability under the Convention shall apply in relation to any ship whether seagoing or not, and the definition of “shipowner” in paragraph 2 of article 1 shall be construed accordingly.

Claims subject to limitation

- 3 (1) Paragraph 1(d) of article 2 shall not apply unless provision has been made by an order of the Secretary of State for the setting up and management of a fund to be used for the making to harbour or conservancy authorities of payments needed to compensate them for the reduction, in consequence of the said paragraph 1(d), of amounts recoverable by them in claims of the kind there mentioned, and to be maintained by contributions from such authorities raised and collected by them in respect of vessels in like manner as other sums so raised by them.
- (2) Any order under sub-paragraph (1) above may contain such incidental and supplemental provisions as appear to the Secretary of State to be necessary or expedient.

Claims excluded from limitation

- 4 (1) The claims excluded from the Convention by paragraph (a) of article 3 include claims under article 14 of the International Convention on Salvage, 1989 as set out in Part I of Schedule 11 and corresponding claims under a contract.
- (2) The claims excluded from the Convention by paragraph (b) of article 3 are claims in respect of any liability incurred under section 153 of this Act.
- (3) The claims excluded from the Convention by paragraph (c) of article 3 are claims made by virtue of any of sections 7 to 11 of the Nuclear Installations Act 1965.

The general limits

- 5 (1) In the application of article 6 to a ship with a tonnage less than 300 tons that article shall have effect as if—
- (a) paragraph 1(a)(i) referred to 166,667 Units of Account; and
- (b) paragraph 1(b)(i) referred to 83,333 Units of Account.
- (2) For the purposes of article 6 and this paragraph a ship’s tonnage shall be its gross tonnage calculated in such manner as may be prescribed by an order made by the Secretary of State.
- (3) Any order under this paragraph shall, so far as appears to the Secretary of State to be practicable, give effect to the regulations in Annex I of the International Convention on Tonnage Measurement of Ships 1969.

Limit for passenger claims

- 6 (1) In the case of a ship for which there is in force a Passenger Ship Safety Certificate or Passenger Certificate, as the case may be, issued under or recognised by safety regulations, the ship’s certificate mentioned in paragraph 1 of article 7 shall be that certificate.

- (2) In paragraph 2 of article 7 the reference to claims brought on behalf of a person includes a reference to any claim in respect of the death of a person under the Fatal Accidents Act 1976, the Fatal Accidents (Northern Ireland) Order 1977 or the Damages (Scotland) Act 1976.

Units of Account

- 7 (1) For the purpose of converting the amounts mentioned in articles 6 and 7 from special drawing rights into sterling one special drawing right shall be treated as equal to such a sum in sterling as the International Monetary Fund have fixed as being the equivalent of one special drawing right for—
- (a) the relevant date under paragraph 1 of article 8; or
 - (b) if no sum has been so fixed for that date, the last preceding date for which a sum has been so fixed.
- (2) A certificate given by or on behalf of the Treasury stating—
- (a) that a particular sum in sterling has been fixed as mentioned in sub-paragraph (1) above for a particular date; or
 - (b) that no sum has been so fixed for that date and that a particular sum in sterling has been so fixed for a date which is the last preceding date for which a sum has been so fixed,
- shall be conclusive evidence of those matters for the purposes of those articles; and a document purporting to be such a certificate shall, in any proceedings, be received in evidence and, unless the contrary is proved, be deemed to be such a certificate.

Constitution of fund

- 8 (1) The Secretary of State may, with the concurrence of the Treasury, by order prescribe the rate of interest to be applied for the purposes of paragraph 1 of article 11.
- (2) Any statutory instrument containing an order under sub-paragraph (1) above shall be laid before Parliament after being made.
- (3) Where a fund is constituted with the court in accordance with article 11 for the payment of claims arising out of any occurrence, the court may stay any proceedings relating to any claim arising out of that occurrence which are pending against the person by whom the fund has been constituted.

Distribution of fund

- 9 No lien or other right in respect of any ship or property shall affect the proportions in which under article 12 the fund is distributed among several claimants.

Bar to other actions

- 10 Where the release of a ship or other property is ordered under paragraph 2 of article 13 the person on whose application it is ordered to be released shall be deemed to have submitted to (or, in Scotland, prorogated) the jurisdiction of the court to adjudicate on the claim for which the ship or property was arrested or attached.

Status: This is the original version (as it was originally enacted).

Meaning of “court”

- 11 References in the Convention and the preceding provisions of this Part of this Schedule to the court are references to the High Court or, in relation to Scotland, the Court of Session.

Meaning of “ship”

- 12 References in the Convention and in the preceding provisions of this Part of this Schedule to a ship include references to any structure (whether completed or in course of completion) launched and intended for use in navigation as a ship or part of a ship.

Meaning of “State Party”

- 13 An Order in Council made for the purposes of this paragraph and declaring that any State specified in the Order is a party to the Convention shall, subject to the provisions of any subsequent Order made for those purposes, be conclusive evidence that the State is a party to the Convention.

SCHEDULE 8

Section 193.

COMMISSIONERS OF NORTHERN LIGHTHOUSES

- 1 (1) The Commissioners of Northern Lighthouses shall continue to exist under that name as a body corporate constituted as follows.
- (2) The following persons holding the following offices constitute the Commissioners of Northern Lighthouses, that is to say—
- (a) the Lord Advocate and the Solicitor-General for Scotland;
- (b) the lords provosts of Edinburgh, Glasgow and Aberdeen, and the conveners of the councils for Highland and Argyll and Bute;
- (c) the sheriffs principal of all the sheriffdoms in Scotland;
- (d) a person nominated by the Lieutenant Governor of the Isle of Man and appointed by the Secretary of State;
- (e) any person elected under paragraph 2 below.
- 2 (1) The Commissioners may elect, as members of their body, the convener of any council whose area includes any part of the coasts of Scotland.
- (2) The Commissioners may elect, as members of their body, not more than five other persons; but a person shall not be elected in pursuance of this sub-paragraph unless either he appears to the Commissioners to have special knowledge and experience of nautical matters or three persons who so appear are members of that body.
- 3 A person appointed by the Secretary of State under paragraph 1(2)(d) above, or a person appointed by the Commissioners under paragraph 2(2) above, shall hold office for three years, but shall be eligible for re-appointment.
- 4 (1) Any five of the Commissioners shall constitute a quorum.
- (2) The Commissioners constituting a quorum shall have power to do all such matters and things as might be done by the whole body.

- 5 In this Schedule “council” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.

SCHEDULE 9

Section 202.

GENERAL TRANSFER OF LOCAL LIGHTHOUSES TO HARBOUR AUTHORITIES

- 1 (1) Before such date as may be specified in a direction given by the Secretary of State to each of the general lighthouse authorities, each of those authorities shall submit to the Secretary of State proposals in writing for the transfer under this Schedule to the appropriate harbour authorities of such of the lighthouses, buoys and beacons held by the general lighthouse authority concerned as—
- (a) are situated in the area of any harbour authority or on land adjacent to the area, or any part of the area, of such an authority; and
 - (b) appear to the general lighthouse authority concerned to be of benefit solely or mainly to ships within, or entering or leaving, that harbour authority’s area.
- (2) For the purposes of this Schedule, a harbour authority are the appropriate harbour authority in relation to any such lighthouse, buoy or beacon if the lighthouse, buoy or beacon is situated in that authority’s area or on land adjacent to that area or any part of it.
- 2 (1) The proposals submitted by each general lighthouse authority shall—
- (a) specify the lighthouses, buoys and beacons which the authority consider are required by paragraph 1 above to be covered by the proposals;
 - (b) specify in relation to each lighthouse, buoy or beacon specified in the proposals the harbour authority who are the appropriate harbour authority in relation to it; and
 - (c) specify in relation to each harbour authority so specified any property of the general lighthouse authority which has been used up to the date of the proposals exclusively in connection with the exercise by that authority of their functions in relation to lighthouses, buoys or beacons so specified which are situated in that harbour authority’s area or on land adjacent to that area or any part of it.
- (2) The proposals may specify in relation to any harbour authority so specified any property of the general lighthouse authority—
- (a) which has been used up to the date of the proposals substantially but not exclusively as mentioned in sub-paragraph (1)(c) above; and
 - (b) which the general lighthouse authority consider it would be appropriate to transfer to that harbour authority.
- 3 Before submitting any proposals under paragraph 1 above a general lighthouse authority shall consult each harbour authority specified in the proposals.
- 4 (1) The Secretary of State may make such modifications of any proposals submitted to him in accordance with the foregoing provisions of this Schedule as he thinks fit after consulting the general lighthouse authority who submitted the proposals; and if he does so, references in paragraph 5 below to any proposals under this Schedule are references to the proposals as modified.
- (2) Before deciding whether to make any such modifications—

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- (a) affecting any harbour authority specified in the proposals; or
- (b) by virtue of which provision would be included in the proposals for the transfer to a harbour authority under this Schedule of any lighthouse, buoy or beacon;

the Secretary of State shall consult the harbour authority concerned.

- 5 On such day as the Secretary of State may by order appoint as the transfer date for the purposes of this Schedule—
- (a) all lighthouses, buoys and beacons specified in any proposals under this Schedule; and
 - (b) any other property of a general lighthouse authority so specified;
- shall be transferred and vest in accordance with the proposals.

SCHEDULE 10

Section 210.

LOCAL LIGHT DUES: OBJECTIONS

The modifications to which section 31 of the Harbours Act 1964 is subject in its application in relation to local light dues by virtue of section 210 are as follows—

- (a) references to charges shall be construed as references to local light dues;
- (b) subsection (1) shall be omitted;
- (c) in subsection (2), for the words from “a charge” to “maintaining or managing” there shall be substituted the words “a local light due imposed under section 210 of the Merchant Shipping Act 1995 by a local lighthouse authority”, and the words “passengers or goods” (in both places) shall be omitted;
- (d) in subsection (6)(b), the reference to subsection (2) shall be construed as referring to that subsection as modified by paragraph (c) above;
- (e) in subsection (8), for the reference to a harbour authority there shall be substituted a reference to a local lighthouse authority;
- (f) in subsection (9), for the reference to the harbour authority concerned there shall be substituted a reference to the local lighthouse authority concerned;
- (g) in subsection (10), for the words “a charge imposed at a harbour” there shall be substituted the words “a local light due imposed by a local lighthouse authority”; and
- (h) subsection (13) shall be omitted.

SCHEDULE 11

Section 224(1)(2).

INTERNATIONAL CONVENTION ON SALVAGE 1989

PART I

TEXT OF CONVENTION

CHAPTER I — GENERAL PROVISIONS

Article 1

Definitions

For the purpose of this Convention—

- (a) Salvage operation means any act or activity undertaken to assist a vessel or any other property in danger in navigable waters or in any other waters whatsoever.
- (b) Vessel means any ship or craft, or any structure capable of navigation.
- (c) Property means any property not permanently and intentionally attached to the shoreline and includes freight at risk.
- (d) Damage to the environment means substantial physical damage to human health or to marine life or resources in coastal or inland waters or areas adjacent thereto, caused by pollution, contamination, fire, explosion or similar major incidents.
- (e) Payment means any reward, remuneration or compensation due under this Convention.
- (f) Organisation means the International Maritime Organisation.
- (g) Secretary-General means the Secretary-General of the Organisation.

Article 2

Application of the Convention

This Convention shall apply whenever judicial or arbitral proceedings relating to matters dealt with in this Convention are brought in a State Party.

Article 3

Platforms and drilling units

This Convention shall not apply to fixed or floating platforms or to mobile offshore drilling units when such platforms or units are on location engaged in the exploration, exploitation or production of sea-bed mineral resources.

Article 4

State-owned vessels

- 1 Without prejudice to article 5, this Convention shall not apply to warships or other non-commercial vessels owned or operated by a State and entitled, at the time of salvage operations, to sovereign immunity under generally recognised principles of international law unless that State decides otherwise.

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- 2 Where a State Party decides to apply the Convention to its warships or other vessels described in paragraph 1, it shall notify the Secretary-General thereof specifying the terms and conditions of such application.

Article 5

Salvage operations controlled by public authorities

- 1 This Convention shall not affect any provisions of national law or any international convention relating to salvage operations by or under the control of public authorities.
- 2 Nevertheless, salvors carrying out such salvage operations shall be entitled to avail themselves of the rights and remedies provided for in this Convention in respect of salvage operations.
- 3 The extent to which a public authority under a duty to perform salvage operations may avail itself of the rights and remedies provided for in this Convention shall be determined by the law of the State where such authority is situated.

Article 6

Salvage contracts

- 1 This Convention shall apply to any salvage operations save to the extent that a contract otherwise provides expressly or by implication.
- 2 The master shall have the authority to conclude contracts for salvage operations on behalf of the owner of the vessel. The master or the owner of the vessel shall have the authority to conclude such contracts on behalf of the owner of the property on board the vessel.
- 3 Nothing in this article shall affect the application of article 7 nor duties to prevent or minimise damage to the environment.

Article 7

Annulment and modification of contracts

A contract or any terms thereof may be annulled or modified if—

- (a) the contract has been entered into under undue influence or the influence of danger and its terms are inequitable; or
- (b) the payment under the contract is in an excessive degree too large or too small for the services actually rendered.

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 the vessel or other property in danger—
- (a) to carry out the salvage operations with due care;
 - (b) in performing the duty specified in subparagraph (a), to exercise due care to prevent or minimise damage to the environment;

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- (c) whenever circumstances reasonably require, to seek assistance from other salvors; and
 - (d) to accept the intervention of other salvors when reasonably requested to do so by the owner or master of the vessel or other property in danger; provided however that the amount of his reward shall not be prejudiced should it be found that such a request was unreasonable.
- 2 The owner and master of the vessel or the owner of other property in danger shall owe a duty to the salvor—
- (a) to co-operate fully with him during the course of the salvage operations;
 - (b) in so doing, to exercise due care to prevent or minimise damage to the environment; and
 - (c) when the vessel or other property has been brought to a place of safety, to accept redelivery when reasonably requested by the salvor to do so.

Article 9

Rights of coastal States

Nothing in this Convention shall affect the right of the coastal State concerned to take measures in accordance with generally recognised principles of international law to protect its coastline or related interests from pollution or the threat of pollution following upon a maritime casualty or acts relating to such a casualty which may reasonably be expected to result in major harmful consequences, including the right of a coastal State to give directions in relation to salvage operations.

Article 10

Duty to render assistance

- 1 Every master is bound, so far as he can do so without serious danger to his vessel and persons thereon, to render assistance to any person in danger of being lost at sea.
- 2 The States Parties shall adopt the measures necessary to enforce the duty set out in paragraph 1.
- 3 The owner of the vessel shall incur no liability for a breach of the duty of the master under paragraph 1.

Article 11

Co-operation

A State Party shall, whenever regulating or deciding upon matters relating to salvage operations such as admittance to ports of vessels in distress or the provision of facilities to salvors, take into account the need for co-operation between salvors, other interested parties and public authorities in order to ensure the efficient and successful performance of salvage operations for the purpose of saving life or property in danger as well as preventing damage to the environment in general.

Status: This is the original version (as it was originally enacted).

CHAPTER III — RIGHTS OF SALVORS

Article 12

Conditions for reward

- 1 Salvage operations which have had a useful result give right to a reward.
- 2 Except as otherwise provided, no payment is due under this Convention if the salvage operations have had no useful result.
- 3 This chapter shall apply, notwithstanding that the salvaged vessel and the vessel undertaking the salvage operations belong to the same owner.

Article 13

Criteria for fixing the reward

- 1 The reward shall be fixed with a view to encouraging salvage operations, taking into account the following criteria without regard to the order in which they are presented below—
 - (a) the salvaged value of the vessel and other property;
 - (b) the skill and efforts of the salvors in preventing or minimising damage to the environment;
 - (c) the measure of success obtained by the salvor;
 - (d) the nature and degree of the danger;
 - (e) the skill and efforts of the salvors in salvaging the vessel, other property and life;
 - (f) the time used and expenses and losses incurred by the salvors;
 - (g) the risk of liability and other risks run by the salvors or their equipment;
 - (h) the promptness of the services rendered;
 - (i) the availability and use of vessels or other equipment intended for salvage operations;
 - (j) the state of readiness and efficiency of the salvor's equipment and the value thereof.
- 2 Payment of a reward fixed according to paragraph 1 shall be made by all of the vessel and other property interests in proportion to their respective salvaged values. However, a State Party may in its national law provide that the payment of a reward has to be made by one of these interests, subject to a right of recourse of this interest against the other interests for their respective shares. Nothing in this article shall prevent any right of defence.
- 3 The rewards, exclusive of any interest and recoverable legal costs that may be payable thereon, shall not exceed the salvaged value of the vessel and other property.

Article 14

Special compensation

- 1 If the salvor has carried out salvage operations in respect of a vessel which by itself or its cargo threatened damage to the environment and has failed to earn a reward under article 13 at least equivalent to the special compensation assessable in accordance with this article, he shall be entitled to special compensation from the owner of that vessel equivalent to his expenses as herein defined.

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- 2 If, in the circumstances set out in paragraph 1, the salvor by his salvage operations has prevented or minimised damage to the environment, the special compensation payable by the owner to the salvor under paragraph 1 may be increased up to a maximum of 30 per cent. of the expenses incurred by the salvor. However, the tribunal, if it deems it fair and just to do so and bearing in mind the relevant criteria set out in article 13, paragraph 1, may increase such special compensation further, but in no event shall the total increase be more than 100 per cent. of the expenses incurred by the salvor.
- 3 Salvor's expenses for the purpose of paragraphs 1 and 2 means the out-of-pocket expenses reasonably incurred by the salvor in the salvage operation and a fair rate for equipment and personnel actually and reasonably used in the salvage operation, taking into consideration the criteria set out in article 13, paragraph 1(h), (i) and (j).
- 4 The total special compensation under this article shall be paid only if and to the extent that such compensation is greater than any reward recoverable by the salvor under article 13.
- 5 If the salvor has been negligent and has thereby failed to prevent or minimise damage to the environment, he may be deprived of the whole or part of any special compensation due under this article.
- 6 Nothing in this article shall affect any right of recourse on the part of the owner of the vessel.

Article 15

Apportionment between salvors

- 1 The apportionment of a reward under article 13 between salvors shall be made on the basis of the criteria contained in that article.
- 2 The apportionment between the owner, master and other persons in the service of each salving vessel shall be determined by the law of the flag of that vessel. If the salvage has not been carried out from a vessel, the apportionment shall be determined by the law governing the contract between the salvor and his servants.

Article 16

Salvage of persons

- 1 No remuneration is due from persons whose lives are saved, but nothing in this article shall affect the provisions of national law on this subject.
- 2 A salvor of human life, who has taken part in the services rendered on the occasion of the accident giving rise to salvage, is entitled to a fair share of the payment awarded to the salvor for salving the vessel or other property or preventing or minimising damage to the environment.

Article 17

Services rendered under existing contracts

No payment is due under the provisions of this Convention unless the services rendered exceed what can be reasonably considered as due performance of a contract entered into before the danger arose.

Status: This is the original version (as it was originally enacted).

Article 18

The effect of salvor's misconduct

A salvor may be deprived of the whole or part of the payment due under this Convention to the extent that the salvage operations have become necessary or more difficult because of fault or neglect on his part or if the salvor has been guilty of fraud or other dishonest conduct.

Article 19

Prohibition of salvage operations

Services rendered notwithstanding the express and reasonable prohibition of the owner or master of the vessel or the owner of any other property in danger which is not and has not been on board the vessel shall not give rise to payment under this Convention.

CHAPTER IV — CLAIMS AND ACTIONS

Article 20

Maritime lien

- 1 Nothing in this Convention shall affect the salvor's maritime lien under any international convention or national law.
- 2 The salvor may not enforce his maritime lien when satisfactory security for his claim, including interest and costs, has been duly tendered or provided.

Article 21

Duty to provide security

- 1 Upon the request of the salvor a person liable for a payment due under this Convention shall provide satisfactory security for the claim, including interest and costs of the salvor.
- 2 Without prejudice to paragraph 1, the owner of the salvaged vessel shall use his best endeavours to ensure that the owners of the cargo provide satisfactory security for the claims against them including interest and costs before the cargo is released.
- 3 The salvaged vessel and other property shall not, without the consent of the salvor, be removed from the port or place at which they first arrive after the completion of the salvage operations until satisfactory security has been put up for the salvor's claim against the relevant vessel or property.

Article 22

Interim payment

- 1 The tribunal having jurisdiction over the claim of the salvor may, by interim decision, order that the salvor shall be paid on account such amount as seems fair and just, and on such terms including terms as to security where appropriate, as may be fair and just according to the circumstances of the case.
- 2 In the event of an interim payment under this article the security provided under article 21 shall be reduced accordingly.

Article 23

Limitation of actions

- 1 Any action relating to payment under this Convention shall be time-barred if judicial or arbitral proceedings have not been instituted within a period of two years. The limitation period commences on the day on which the salvage operations are terminated.
- 2 The person against whom a claim is made may at any time during the running of the limitation period extend that period by a declaration to the claimant. This period may in the like manner be further extended.
- 3 An action for indemnity by a person liable may be instituted even after the expiration of the limitation period provided for in the preceding paragraphs, if brought within the time allowed by the law of the State where proceedings are instituted.

Article 24

Interest

The right of the salvor to interest on any payment due under this Convention shall be determined according to the law of the State in which the tribunal seized of the case is situated.

Article 25

State-owned cargoes

Unless the State owner consents, no provision of this Convention shall be used as a basis for the seizure, arrest or detention by any legal process of, nor for any proceedings *in rem* against, non-commercial cargoes owned by a State and entitled, at the time of the salvage operations, to sovereign immunity under generally recognised principles of international law.

Article 26

Humanitarian cargoes

No provision of this Convention shall be used as a basis for the seizure, arrest or detention of humanitarian cargoes donated by a State, if such State has agreed to pay for salvage services rendered in respect of such humanitarian cargoes.

Article 27

Publication of arbitral awards

States Parties shall encourage, as far as possible and with the consent of the parties, the publication of arbitral awards made in salvage cases.

Status: This is the original version (as it was originally enacted).

PART II

PROVISIONS HAVING EFFECT IN CONNECTION WITH CONVENTION

Interpretation

- 1 In this Part of this Schedule “the Convention” means the Convention as set out in Part I of this Schedule and any reference to a numbered article is a reference to the article of the Convention which is so numbered.

Claims excluded from Convention

- 2 (1) The provisions of the Convention do not apply—
- (a) to a salvage operation which takes place in inland waters of the United Kingdom and in which all the vessels involved are of inland navigation; and
 - (b) to a salvage operation which takes place in inland waters of the United Kingdom and in which no vessel is involved.
- (2) In this paragraph “inland waters” does not include any waters within the ebb and flow of the tide at ordinary spring tides or the waters of any dock which is directly or (by means of one or more other docks) indirectly, connected with such waters.

Assistance to persons in danger at sea

- 3 (1) The master of a vessel who fails to comply with the duty imposed on him by article 10, paragraph 1 commits an offence and shall be liable—
- (a) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine, or both.
- (2) Compliance by the master of a vessel with that duty shall not affect his right or the right of any other person to a payment under the Convention or under any contract.

The reward and special compensation: the common understanding

- 4 In fixing a reward under article 13 and assessing special compensation under article 14 the court or arbitrator (or, in Scotland, arbiter) is under no duty to fix a reward under article 13 up to the maximum salved value of the vessel and other property before assessing the special compensation to be paid under article 14.

Recourse for life salvage payment

- 5 (1) This paragraph applies where—
- (a) services are rendered wholly or in part in United Kingdom waters in saving life from a vessel of any nationality or elsewhere in saving life from any United Kingdom ship; and
 - (b) either—
 - (i) the vessel and other property are destroyed, or
 - (ii) the sum to which the salvor is entitled under article 16, paragraph 2 is less than a reasonable amount for the services rendered in saving life.

Status: This is the original version (as it was originally enacted).

- (2) Where this paragraph applies, the Secretary of State may, if he thinks fit, pay to the salvor such sum or, as the case may be, such additional sum as he thinks fit in respect of the services rendered in saving life.

Meaning of “judicial proceedings”

- 6 References in the Convention to judicial proceedings are references to proceedings—
- (a) in England and Wales, in the High Court or the county court;
 - (b) in Scotland, in the Court of Session or in the sheriff court;
 - (c) in Northern Ireland, in the High Court;
- and any reference to the tribunal having jurisdiction (so far as it refers to judicial proceedings) shall be construed accordingly.

Meaning of “State Party”

- 7 (1) An Order in Council made for the purposes of this paragraph and declaring that any State specified in the Order is a party to the Convention in respect of a specified country shall, subject to the provisions of any subsequent Order made for those purposes, be conclusive evidence that the State is a party to the Convention in respect of that country.
- (2) In this paragraph “country” includes “territory”.

SCHEDULE 12

Section 314.

REPEALS

<i>Chapter or number</i>	<i>Short title</i>	<i>Extent of repeal</i>
17 & 18 Vict. c.120.	Merchant Shipping Repeal Act 1854.	Section 7.
34 & 35 Vict. c.xxi.	Lloyd’s Act 1871.	Section 33.
57 & 58 Vict. c.60.	Merchant Shipping Act 1894.	Section 66. Section 76. Section 82. Section 84. Sections 287 and 288. Section 422. Section 449. Section 458.

Notes. The repeals of sections 5 to 7, 29(2) and 30(1) of the Prevention of Oil Pollution Act 1971 do not apply so far as those provisions relate to sections 2(1) and (3) of that Act.

The repeals in the Crown Proceedings Act 1947 apply in relation to Her Majesty’s Government in Northern Ireland as they apply in relation to Her Majesty’s Government in the United Kingdom.

Status: This is the original version (as it was originally enacted).

<i>Chapter or number</i>	<i>Short title</i>	<i>Extent of repeal</i>
		Sections 510 to 513.
		Sections 515 and 516.
		Sections 518 to 525.
		Section 527.
		Sections 530 to 537.
		Sections 551 to 553.
		Sections 555 to 557.
		Sections 566 to 568.
		Section 569(2).
		Section 570.
		Section 571.
		Sections 634 to 636.
		Sections 638 and 639.
		Sections 642 to 643A.
		Sections 647 to 656.
		Section 657 so far as relating to Northern Ireland.
		Sections 658 to 660.
		Sections 662 to 662B.
		Section 664.
		Sections 666 to 669.
		Sections 676 and 677.
		Sections 679 to 681.
		Sections 683 to 687B.
		Section 688 so far as relating to Scotland.
		Section 689.
		Sections 691 to 693.
		Sections 695 to 697.
		Sections 702 and 703.
		Sections 710 to 715.
		Sections 717 and 718.

Notes. The repeals of sections 5 to 7, 29(2) and 30(1) of the Prevention of Oil Pollution Act 1971 do not apply so far as those provisions relate to sections 2(1) and (3) of that Act.

The repeals in the Crown Proceedings Act 1947 apply in relation to Her Majesty's Government in Northern Ireland as they apply in relation to Her Majesty's Government in the United Kingdom.

Status: This is the original version (as it was originally enacted).

<i>Chapter or number</i>	<i>Short title</i>	<i>Extent of repeal</i>
		Sections 720 to 724. Sections 726 to 728. Sections 731 and 732. Sections 735 and 736. Section 738(1) and (2). Section 739. Sections 741 to 743 Sections 745 to 747. Schedule 17. Schedule 19.
60 & 61 Vict. c.21.	Mersey Channels Act 1897.	The whole Act.
60 & 61 Vict. c.59.	Merchant Shipping Act 1897.	The whole Act.
61 & 62 Vict. c.44.	Merchant Shipping (Mercantile Marine Fund) Act 1898.	Sections 1 and 1A. Section 2(3) so far as relating to the Sombrero lighthouse in the Leeward Islands. Sections 2A and 2B. Section 5(1)(2). Section 9. In Schedule 3, the entry for the Sombrero lighthouse in the Leeward Islands.
63 & 64 Vict. c.32.	Merchant Shipping (Liability of Ship- owners and Others) Act 1900.	Sections 2 to 5.
6 Edw.7 c.48.	Merchant Shipping Act 1906.	Section 72. Sections 75 and 76. Sections 78 to 80. Sections 84 and 86.
1 & 2 Geo.5 c.57.	Maritime Conventions Act 1911.	Sections 1 to 3 and 4(2). Sections 5 to 10.
9 & 10 Geo.5 c.62.	British Mercantile Marine Uniform Act 1919.	The whole Act.

Notes. The repeals of sections 5 to 7, 29(2) and 30(1) of the Prevention of Oil Pollution Act 1971 do not apply so far as those provisions relate to sections 2(1) and (3) of that Act.

The repeals in the Crown Proceedings Act 1947 apply in relation to Her Majesty's Government in Northern Ireland as they apply in relation to Her Majesty's Government in the United Kingdom.

Status: This is the original version (as it was originally enacted).

<i>Chapter or number</i>	<i>Short title</i>	<i>Extent of repeal</i>
9 & 10 Geo.5 c.92.	Aliens Restriction (Amendment) Act 1919.	Section 5.
10 & 11 Geo.5 c.2.	Merchant Shipping (Amendment) Act 1920.	The whole Act.
10 & 11 Geo.5 c.39.	Merchant Shipping (Scottish Fishing Boats) Act 1920.	The whole Act.
11 & 12 Geo.5 c.28.	Merchant Shipping Act 1921.	Sections 2 to 4.
22 & 23 Geo.5 c.4.	Statute of Westminster 1931.	Section 5
22 & 23 Geo.5 c.9.	Merchant Shipping (Safety and Load Line Conventions) Act 1932.	Section 5(2) and (3). Section 8. Section 24. Section 62(1) and (3). Section 69. Sections 73 and 74. Schedule 1.
2 & 3 Geo.6 c.83.	Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939.	Section 6(3).
11 & 12 Geo.6 c.7.	Ceylon Independence Act 1947.	In Schedule 1, paragraph 3.
11 & 12 Geo.6 c.44	Crown Proceedings Act 1947	Sections 5 to 8. Section 30.
11 & 12 Geo.6 c.44.	Merchant Shipping Act 1948.	Section 5.
12, 13 & 14 Geo.6 c.29.	Consular Conventions Act 1949.	Section 5(2).
12, 13 & 14 Geo.6 c.43.	Merchant Shipping (Safety Conventions) Act 1949.	Section 22. Section 25. Section 32. Section 34. Section 35(1). Sections 36 (so far as unrepealed) and 37. In Schedule 1, paragraph 1.
14 Geo.6 c.9.	Merchant Shipping Act 1950.	Sections 7 and 8.

Notes. The repeals of sections 5 to 7, 29(2) and 30(1) of the Prevention of Oil Pollution Act 1971 do not apply so far as those provisions relate to sections 2(1) and (3) of that Act.

The repeals in the Crown Proceedings Act 1947 apply in relation to Her Majesty's Government in Northern Ireland as they apply in relation to Her Majesty's Government in the United Kingdom.

Status: This is the original version (as it was originally enacted).

<i>Chapter or number</i>	<i>Short title</i>	<i>Extent of repeal</i>
14 Geo.6 c.27.	Arbitration Act 1950.	In section 29, subsection (1) and in subsection (2) the words preceding “an arbitration”.
4 & 5 Eliz.2 c.46.	Administration of Justice Act 1956.	In section 47(2)(n) the words from “(including” to “way of wages)”. Section 49(1). In Part I of Schedule 1, in paragraph 1(1)(j), from the beginning to “cases” and, in paragraph 1(3), the words “sections five hundred and forty-four to five hundred and forty-six of the Merchant Shipping Act, 1894, or”.
5 & 6 Eliz.2 c.6.	Ghana Independence Act 1957.	In Schedule 1, paragraph 4. In Schedule 2, paragraphs 7 and 8.
5 & 6 Eliz.2 c.60.	Federation of Malaya Independence Act 1957.	In Schedule 1, paragraphs 9 and 10.
8 & 9 Eliz.2 c.52.	Cyprus Act 1960.	In the Schedule, paragraph 10.
8 & 9 Eliz.2 c.55.	Nigeria Independence Act 1960.	In Schedule 1, paragraph 4. In Schedule 2, paragraphs 7 and 8.
9 & 10 Eliz.2 c.1.	Tanganyika Independence Act 1961.	In Schedule 1, paragraph 4. In Schedule 2, paragraphs 7 and 8.
9 & 10 Eliz.2 c.16	Sierre Leone Independence Act 1961.	In Schedule 2, paragraph 4. In Schedule 3, paragraphs 8 and 9.
10 & 11 Eliz.2 c.23.	South Africa Act 1962.	In Schedule 3, paragraph 6.
10 & 11 Eliz.2 c.30.	Northern Ireland Act 1962.	Section 25(1)(a).
10 & 11 Eliz.2 c.40.	Jamaica Independence Act 1962.	In Schedule 1, paragraph 4. In Schedule 2, paragraphs 7 and 8.

Notes. The repeals of sections 5 to 7, 29(2) and 30(1) of the Prevention of Oil Pollution Act 1971 do not apply so far as those provisions relate to sections 2(1) and (3) of that Act.

The repeals in the Crown Proceedings Act 1947 apply in relation to Her Majesty’s Government in Northern Ireland as they apply in relation to Her Majesty’s Government in the United Kingdom.

Status: This is the original version (as it was originally enacted).

<i>Chapter or number</i>	<i>Short title</i>	<i>Extent of repeal</i>
10 & 11 Eliz.2 c.54	Trinidad and Tobago Independence Act 1962.	In Schedule 1, paragraph 4. In Schedule 3, paragraphs 7 and 8.
10 & 11 Eliz.2 c.57.	Uganda Independence Act 1962.	In Schedule 1, paragraph 4. In Schedule 2, paragraphs 7 and 8.
1963 c. 54.	Kenya Independence Act 1963.	In Schedule 1, paragraph 4. In Schedule 2, paragraphs 7 and 8.
1963 c. 55.	Zanzibar Act 1963.	In Schedule 1, paragraph 8.
1964 c. 26.	Licensing Act 1964.	Section 158.
1964 c. 40.	Harbours Act 1964.	Section 29(2) and (3). Section 30(2). In section 30(3) the words from “and no charge” to the end. Section 35.
1964 c. 46.	Malawi Independence Act 1964.	In Schedule 1, paragraph 4(a). In Schedule 2, paragraphs 7 and 8.
1964 c. 47.	Merchant Shipping Act 1964.	Section 9 so far as unrepealed. Section 11. Section 16. Sections 19 and 20.
1964 c. 86.	Malta Independence Act 1964.	In Schedule 1, paragraph 4(a). In Schedule 2, paragraphs 7 and 8.
1964 c. 93.	Gambia Independence Act 1964.	In Schedule 1, paragraph 4(a). In Schedule 2, paragraphs 7 and 8.
1965 c. 32.	Administration of Estates (Small Payments) Act 1965.	Section 6(1)(c).

Notes. The repeals of sections 5 to 7, 29(2) and 30(1) of the Prevention of Oil Pollution Act 1971 do not apply so far as those provisions relate to sections 2(1) and (3) of that Act.

The repeals in the Crown Proceedings Act 1947 apply in relation to Her Majesty’s Government in Northern Ireland as they apply in relation to Her Majesty’s Government in the United Kingdom.

Status: This is the original version (as it was originally enacted).

<i>Chapter or number</i>	<i>Short title</i>	<i>Extent of repeal</i>
1965 c. 47.	Merchant Shipping Act 1965.	The whole Act so far as unrepealed.
1966 c. 14.	Guyana Independence Act 1966.	In Schedule 1, paragraph 4(a). In Schedule 2, paragraphs 7 and 8.
1966 c. 29.	Singapore Act 1966.	In the Schedule, paragraphs 10 and 11.
1966 c. 37.	Barbados Independence Act 1966.	In Schedule 1, paragraph 4(a). In Schedule 2, paragraphs 7 and 8.
1967 c. 27.	Merchant Shipping (Load Lines) Act 1967.	Sections 1 to 25. Section 27(1), (3) and (5). Sections 30 to 34. Schedules 1 and 2.
1968 c. 8.	Mauritius Independence Act 1968.	In Schedule 1, paragraph 4(a). In Schedule 2, paragraphs 7 and 8.
1969 c. 48.	Post Office Act 1969.	In section 3, in subsection (1) the words from “and the first reference” to “to navigation” and, in subsection (6) the words from “and section 36” to the end.
1970 c. 27.	Fishing Vessels (Safety Provisions) Act 1970.	Section 1. Section 2(1). Sections 3 to 5. Section 7. Sections 9 to 11.
1970 c. 36.	Merchant Shipping Act 1970.	Sections 1 to 5. Sections 7 to 18. Section 20. Section 22. Sections 25 to 28.

Notes. The repeals of sections 5 to 7, 29(2) and 30(1) of the Prevention of Oil Pollution Act 1971 do not apply so far as those provisions relate to sections 2(1) and (3) of that Act.

The repeals in the Crown Proceedings Act 1947 apply in relation to Her Majesty’s Government in Northern Ireland as they apply in relation to Her Majesty’s Government in the United Kingdom.

Status: This is the original version (as it was originally enacted).

<i>Chapter or number</i>	<i>Short title</i>	<i>Extent of repeal</i>
		Section 30.
		Sections 32 and 33.
		Sections 39 to 41.
		Sections 43 to 54.
		Sections 56 to 64.
		Sections 67 to 72.
		Sections 74 to 83.
		Section 85.
		Section 86.
		Section 88.
		Section 91.
		Sections 95 to 101.
		Schedules 1 to 5.
1970 c. 50.	Fiji Independence Act 1970.	In Schedule 1, paragraph 4(a).
		In Schedule 2, paragraph 6.
1971 c. 59.	Merchant Shipping (Oil Pollution) Act 1971.	The whole Act.
1971 c. 60.	Prevention of Oil Pollution Act 1971.	Section 2(2A) and (2B).
		Section 5.
		Section 6(1)(a).
		Section 7.
		Section 8(2)
		Section 10.
		In section 11, in subsection (1), paragraphs (a) and (b) and the words “the owner or master of the vessel, or” and “, as the case may be,” and subsection (2).
		Sections 12 to 17.
		Section 18(4).
		Section 19(2)(b) and (c).
		Section 19A.

Notes. The repeals of sections 5 to 7, 29(2) and 30(1) of the Prevention of Oil Pollution Act 1971 do not apply so far as those provisions relate to sections 2(1) and (3) of that Act.

The repeals in the Crown Proceedings Act 1947 apply in relation to Her Majesty’s Government in Northern Ireland as they apply in relation to Her Majesty’s Government in the United Kingdom.

Status: This is the original version (as it was originally enacted).

<i>Chapter or number</i>	<i>Short title</i>	<i>Extent of repeal</i>
		Section 20.
		Section 21.
		Section 23 so far as it relates to vessels.
		Section 24.
		Section 25(2) and (3).
		Section 27(4).
		In section 29(1) the definitions of— “barge”; and “outside the territorial waters of the United Kingdom”; and subsections (2), (4), (5) and (6).
		Section 30(1) and (2).
1972 c. 5 (N.I.).	Water Act (Northern Ireland) 1972.	Section 32(3).
1972 c. 11.	Superannuation Act 1972.	Section 17.
1973 c. 27.	Bahamas Independence Act 1973.	In Schedule 1, paragraph 4(a).
		In Schedule 2, paragraph 5.
1973 c. 49.	Bangladesh Act 1973.	In the Schedule, paragraph 6.
1974 c. 43.	Merchant Shipping Act 1974.	Sections 1 to 8A. Sections 16 to 18. Section 19(1) and (3) to (6). Section 21. Sections 23 and 24. Schedules 1 and 5.
1976 c. 19.	Seychelles Act 1976.	In the Schedule, paragraph 6.
1978 c. 15.	Solomon Islands Act 1978.	In the Schedule, paragraph 4.
1978 c. 20.	Tuvalu Act 1978.	In Schedule 1, paragraph 4(a).
		In Schedule 2, paragraph 4.
1979 c. 27.	Kiribati Act 1979.	In the Schedule, paragraph 5.

Notes. The repeals of sections 5 to 7, 29(2) and 30(1) of the Prevention of Oil Pollution Act 1971 do not apply so far as those provisions relate to sections 2(1) and (3) of that Act.

The repeals in the Crown Proceedings Act 1947 apply in relation to Her Majesty’s Government in Northern Ireland as they apply in relation to Her Majesty’s Government in the United Kingdom.

Status: This is the original version (as it was originally enacted).

<i>Chapter or number</i>	<i>Short title</i>	<i>Extent of repeal</i>
1979 c. 39.	Merchant Shipping Act 1979.	Sections 14 to 39. Sections 41 to 43. Section 45. Sections 48 to 52. Schedules 3 to 7.
1980 c. 2.	Papua New Guinea, Western Samoa and Nauru (Miscellaneous Provisions) Act 1980.	In the Schedule, paragraphs 4 and 5.
1980 c. 16.	New Hebrides Act 1980.	In Schedule 1, paragraph 5.
1981 c. 10.	Merchant Shipping Act 1981.	The whole Act.
1981 c. 52.	Belize Act 1981.	In Schedule 1, paragraph 4(a). In Schedule 2, paragraph 4.
1981 c. 54.	Supreme Court Act 1981.	In section 153(4)(d), the words from “section 13(1)” to “1974”. In Schedule 5, the entries relating to the Merchant Shipping (Oil Pollution) Act 1971 and the Merchant Shipping Act 1974.
S.I. 1981/226 (NI 6).	Judgments Enforcement (Northern Ireland) Order 1981.	In Schedule 2, paragraph 17.
S.I. 1981/1675 (NI 26).	Magistrates' Courts (Northern Ireland) Order 1981.	In Part I of Schedule 6, paragraphs 18 and 19.
1982 c. 16.	Civil Aviation Act 1982.	Section 97(1).
1982 c. 27.	Civil Jurisdiction and Judgments Act 1982.	In section 32(4)(a) the words “section 13(3) of the Merchant Shipping (Oil Pollution) Act 1971”.
1982 c. 48.	Criminal Justice Act 1982.	Section 49. Section 81(13). In Schedule 7, paragraph 1. In Schedule 14, paragraph 2.

Notes. The repeals of sections 5 to 7, 29(2) and 30(1) of the Prevention of Oil Pollution Act 1971 do not apply so far as those provisions relate to sections 2(1) and (3) of that Act.

The repeals in the Crown Proceedings Act 1947 apply in relation to Her Majesty's Government in Northern Ireland as they apply in relation to Her Majesty's Government in the United Kingdom.

Status: This is the original version (as it was originally enacted).

<i>Chapter or number</i>	<i>Short title</i>	<i>Extent of repeal</i>
		In Schedule 15, paragraphs 3 to 5.
1984 c. 5.	Merchant Shipping Act 1984.	Sections 1 to 12. Section 14. Schedule 1. Schedule 2.
1984 c. 28.	County Courts Act 1984.	Section 27(11).
1985 c. 3.	Brunei and Maldives Act 1985.	In the Schedule, paragraph 1.
1985 c. 22.	Dangerous Vessels Act 1985.	Section 4.
1986 c. 2.	Australia Act 1986.	Section 4.
1986 c. 6.	Prevention of Oil Pollution Act 1986.	The whole Act.
1986 c. 23.	Safety at Sea Act 1986.	Sections 7 to 13. Section 15.
1986 c. 64.	Public Order Act 1986.	In section 10(1), the words “and in section 515 of the Merchant Shipping Act 1894”.
S.I. 1986/1035 (NI 9).	Companies Consolidation (Consequential Provisions) (Northern Ireland) Order 1986.	In Part II of Schedule 1, the entries relating to the Prevention of Oil Pollution Act 1971 and the Merchant Shipping Act 1974.
1988 c. 12.	Merchant Shipping Act 1988.	Section 11. Sections 26 to 35. Sections 41 to 49. Section 52. Sections 53 and 55 except for purposes of section 37. Section 57(1) and (3) to (5) In Schedule 1, paragraph 48. Schedule 4. Schedules 5 to 8.

Notes. The repeals of sections 5 to 7, 29(2) and 30(1) of the Prevention of Oil Pollution Act 1971 do not apply so far as those provisions relate to sections 2(1) and (3) of that Act.

The repeals in the Crown Proceedings Act 1947 apply in relation to Her Majesty’s Government in Northern Ireland as they apply in relation to Her Majesty’s Government in the United Kingdom.

Status: This is the original version (as it was originally enacted).

<i>Chapter or number</i>	<i>Short title</i>	<i>Extent of repeal</i>
S.I. 1989/1339 (NI 11).	Limitation (Northern Ireland) Order 1989.	In Schedule 3, paragraph 11.
1990 c. 31.	Aviation and Maritime Security Act 1990.	In section 51(2), the words “section 94 of the Merchant Shipping Act 1970”. In Schedule 3, paragraph 2.
1990 c. 41.	Courts and Legal Services Act 1990.	In Schedule 10, paragraph 55.
1990 c. 43.	Environmental Protection Act 1990	Section 148. Schedule 14 except so far as the amendments relate to offences under section 2(1) of the Prevention of Oil Pollution Act 1971.
1991 c. 52.	Ports Act 1991.	Sections 31 to 34. Section 36(2)(c). In section 41, in subsection (1) the words “31 to” and “36(2)(c)” and subsection (2). Section 42(2).
S.I. 1991/1219 (NI 10).	Dangerous Vessels (Northern Ireland) Order 1991.	Article 6.
1993 c. 8.	Judicial Pensions and Retirement Act 1993.	In Schedule 6, paragraph 59.
1993 c. 22.	Merchant Shipping (Registration, etc.) Act 1993.	The whole Act.
1994 c. 28.	Merchant Shipping (Salvage and Pollution) Act 1994.	The whole Act.
1994 c. 39.	The Local Government etc. (Scotland) Act 1994.	In Schedule 13, paragraph 7.

Notes. The repeals of sections 5 to 7, 29(2) and 30(1) of the Prevention of Oil Pollution Act 1971 do not apply so far as those provisions relate to sections 2(1) and (3) of that Act.

The repeals in the Crown Proceedings Act 1947 apply in relation to Her Majesty’s Government in Northern Ireland as they apply in relation to Her Majesty’s Government in the United Kingdom.

SCHEDULE 13

Section 314.

CONSEQUENTIAL AMENDMENTS

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

- 1 In section 21 of the General Pier and Harbour Act 1861 Amendment Act 1862, for “Merchant Shipping Act 1854” substitute “Merchant Shipping Act 1995”.

Sea Fisheries Act 1868 (c. 45)

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

“26 Registered fishing boats and foreign fishing boats within British waters to have official papers

- (1) The master of every sea-fishing boat which is registered under Part II of the Merchant Shipping Act 1995 shall (whether his boat is within British waters or not) have on board the certificate of registration issued in pursuance of registration regulations.
- (2) The master of every sea-fishing boat within British waters shall have on board official papers evidencing its nationality.
- (3) If any person, without reasonable excuse (the proof of which lies on him), contravenes subsection (1) or (2) of this section, he shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale; and where a fine is imposed under this subsection on the master of a foreign sea-fishing boat the court may order the boat to be detained for a period not exceeding three months from the date of the conviction or until the fine is paid (whichever period is the shorter).
- (4) Section 8(4) of the Sea Fisheries Act 1968 (power of British sea-fishery officer to take fishing boat to nearest port and detain it there) shall apply in relation to a contravention of subsection (1) or (2) of this section as it applies in relation to such a contravention as is mentioned in that provision.
- (5) In this section—

“British waters” means waters within the seaward limits of the territorial sea adjacent to the United Kingdom, the Channel Islands and the Isle of Man;

“foreign sea-fishing boat” means a sea-fishing boat which—

- (a) is not registered in the United Kingdom, the Channel Islands or the Isle of Man, and
- (b) is not wholly owned by persons qualified to own British ships for the purposes of Part II of the Merchant Shipping Act 1995; and

“master” includes, in relation to any sea-fishing boat, a person for the time being in command or charge of the boat.”

Status: This is the original version (as it was originally enacted).

Lloyd's Act 1871 (c. xxi)

- 3 In section 41 of the Lloyd's Act 1871, for “Merchant Shipping Act 1854”, in both places where it occurs, substitute “Merchant Shipping Act 1995”.

Slave Trade Act 1873 (c. 88)

- 4 In section 26 of the Slave Trade Act 1873, for “section two hundred and sixty-eight of the Merchant Shipping Act 1854” substitute “section 283 of the Merchant Shipping Act 1995”.

Explosives Act 1875 (c. 17)

- 5 In the Explosives Act 1875—
- (a) in section 58(b), for “Merchant Shipping Act 1854, or the Acts amending the same” substitute “Merchant Shipping Act 1995”;
 - (b) in section 98(2), for “Merchant Shipping Act 1854” substitute “Merchant Shipping Act 1995”; and
 - (c) in section 101, for “Merchant Shipping Act 1854 and the Acts amending the same, or any order or regulation made under any of those Acts” substitute “Merchant Shipping Act 1995 or any order or regulation made under that Act”.

Explosive Substances Act 1883 (c. 3)

- 6 In section 8(2) of the Explosive Substances Act 1883, for “Merchant Shipping Act 1873” substitute “safety regulations under section 85 of the Merchant Shipping Act 1995”

Submarine Telegraph Act 1885 (c. 49)

- 7 In the Submarine Telegraph Act 1885—
- (a) in section 5(1), for the words from the beginning to “collisions” substitute “Safety regulations under section 85 of the Merchant Shipping Act 1995”; and
 - (b) in section 7, for “Part X of the Merchant Shipping Act 1854 (which relates to legal procedure), and the enactments amending the same, so far as unrepealed,” substitute “Part XII of the Merchant Shipping Act 1995 (legal proceedings)”.

Foreign Jurisdiction Act 1890 (c. 37)

- 8 In Schedule 1 to the Foreign Jurisdiction Act 1890, at the end insert—

“1995 c. 00.	Merchant Shipping Act	Chapter II of Part VI.”
	1995.	

Fisheries Act 1891 (c. 37)

- 9 In section 2(1) of the Fisheries Act 1891, for “in pursuance of section fourteen of the Merchant Shipping Act 1854” substitute “under section 256 of the Merchant

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Shipping Act 1995”, and for “sections fifteen and sixteen of that Act” substitute “Part X of that Act”.

Commissioners for Oaths Act 1891 (c. 50)

- 10 In section 1 of the Commissioners for Oaths Act 1891, for “Merchant Shipping Acts 1854 to 1889” substitute “Merchant Shipping Act 1995”.

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

- 11 In the Seal Fisheries (North Pacific) Act 1895—
- (a) in section 1(3) for the words from “a misdemeanor” to “1894” substitute “an offence and shall be liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding six months or to both; or
 - (b) on conviction on indictment, to a fine or to imprisonment for a period not exceeding two years or to both;”;
 - (b) in section 2(3), for “Merchant Shipping Act 1894” substitute “Merchant Shipping Act 1995”; and
 - (c) in section 3—
 - (i) in subsection (1) for “Merchant Shipping Act 1894” substitute “Merchant Shipping Act 1995”; and
 - (ii) in subsection (2), for “section seventy-six of the Merchant Shipping Act 1894” substitute “section seven of the Merchant Shipping Act 1995”.

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

- 12 In section 3 of the Seal Fisheries (North Pacific) Act 1912—
- (a) in subsection (1), for the words from “liable” to “1894” substitute “liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding six months or to both; or
 - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both;”;
 - (b) in subsection (2), for “Merchant Shipping Acts 1894 to 1907” substitute “Merchant Shipping Act 1995”.

Trustee Act 1925 (c. 19)

- 13 In section 51(6) of the Trustee Act 1925, for “Acts relating to merchant shipping” substitute “Merchant Shipping Act 1995”.

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

- 14 In section 17(1) of the Whaling Industry (Regulations) Act 1934, in the definition of “ship”, for “Merchant Shipping Act 1894” substitute “Merchant Shipping Act 1995”.

Status: This is the original version (as it was originally enacted).

Public Health Act 1936 (c. 49)

- 15 In section 343(1) of the Public Health Act 1936, in the definition of “vessel”, for “in the Merchant Shipping Act 1894” substitute “ship” in the Merchant Shipping Act 1995.

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

- 16 In section 14 of the Public Health (Drainage of Trade Premises) Act 1937, for “section seven hundred and forty-two of the Merchant Shipping Act 1894” substitute “the Merchant Shipping Act 1995”.

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

- 17 In Part I of the Schedule to the Superannuation (Various Services) Act 1938, for “Merchant Shipping (Mercantile Marine Fund) Act 1898, section 1A, as inserted by section 17 of the Superannuation Act 1972” substitute “Merchant Shipping Act 1995, section 214”.

Compensation (Defence) Act 1939 (c. 75)

- 18 In section 17(1) of the Compensation (Defence) Act 1939, in the definitions of “ship” and “vessel”, for “have respectively the same meaning as in the Merchant Shipping Act 1894” substitute “have the same meaning as “ship” in the Merchant Shipping Act 1995”.

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

- 19 In the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939—
- (a) in section 4(4), in the definition of “lightship”, for “Merchant Shipping Act 1894” substitute “Merchant Shipping Act 1995”; and
 - (b) in section 10, in the definition of “ship”, for “Merchant Shipping Act 1894” substitute “Merchant Shipping Act 1995”.

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

- 20 In section 1(8) of the Public Health (Scotland) Act 1945, in the definition of “vessel”, for “in the Merchant Shipping Act 1894” substitute “ship” in the Merchant Shipping Act 1995.

Crown Proceedings Act 1947 (c. 44)

- 21 In section 38(2) of the Crown Proceedings Act 1947—
- (a) in the definition of “His Majesty’s ships”, for “Merchant Shipping Acts 1894 to 1940” substitute “Merchant Shipping Act 1995”; and
 - (b) in the definition of “ship”, for “meaning assigned to it by section seven hundred and forty-two of the Merchant Shipping Act 1894” substitute “the same meaning as in the Merchant Shipping Act 1995”.

British Nationality Act 1948 (c. 56)

- 22 In section 3(1) of the British Nationality Act 1948, for “Merchant Shipping Acts 1894 to 1948” substitute “Merchant Shipping Act 1995”.

Status: This is the original version (as it was originally enacted).

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

- 23 In section 4(2) of the Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1948, for “section one of the Maritime Conventions Act, 1911,” substitute “section 187 of the Merchant Shipping Act 1995”.

Wireless Telegraphy Act 1949 (c. 54)

- 24 In section 19(7) of the Wireless Telegraphy Act 1949, for “meanings respectively assigned to them by section seven hundred and forty-two of the Merchant Shipping Act 1894” substitute “same meaning as “ship” in the Merchant Shipping Act 1995”.

Coast Protection Act 1949 (c. 74)

- 25 In section 49(1) of the Coast Protection Act 1949, in the definitions of “conservancy authority” and “harbour authority”, for “Merchant Shipping Act 1894” substitute “Merchant Shipping Act 1995”.

Registered Designs Act 1949 (c. 88)

- 26 In section 8(6), at the end insert “and, in the case of the right of the Secretary of State in any design forming part of the British mercantile marine uniform registered under this Act, to that right’s subsisting so long as the design remains on the register.”

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

- 27 In section 29(4) of the Rivers (Prevention of Pollution) (Scotland) Act 1951 for “Merchant Shipping Act 1894” substitute “Merchant Shipping Act 1995”.

Post Office Act 1953 (c. 36)

- 28 In section 29(1) of the Post Office Act 1953—
- (a) for the words from “or which” to “1894” substitute “or within the limited European trading area”; and
 - (b) at the end insert—
- “In this subsection “the limited European trading area” means the same as in regulations under section 47 of the Merchant Shipping Act 1995”.

Administration of Justice Act 1956 (c. 46)

- 29 (1) The Administration of the Justice Act 1956 shall be amended as follows.
- (2) In section 47—
- (a) in subsection (2)(n), the words from “(including” to “way of wages)” shall cease to have effect; and
 - (b) in subsection (8)(a) for “section 1 of the Merchant Shipping Salvage and Pollution Act 1994” substitute “section 224 of the Merchant Shipping Act 1995”.
- (3) In section 48(f)—

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- (a) in the definition of “collision regulations”, for the words from “regulations” to the end substitute “safety regulations under section 85 of the Merchant Shipping Act 1995”; and
- (b) in the definition of “master”, for “Merchant Shipping Act 1894” substitute “Merchant Shipping Act 1995”.

(4) In Part I of Schedule 1—

- (a) in paragraph 1—
 - (i) in sub-paragraph (1)(o), for “Merchant Shipping Acts 1894 to 1954” substitute “Merchant Shipping Act 1995”; and
 - (ii) in sub-paragraph (4), for “Merchant Shipping Acts 1894 to 1954” substitute “Merchant Shipping Act 1995”.
- (b) in paragraph 7(1), for “five hundred and fifty-two of the Merchant Shipping Act 1894” substitute “226 of the Merchant Shipping Act 1995”; and
- (c) in paragraph 8(1)—
 - (i) in the definition of “collision regulations”, for the words from “section 21” to the end substitute “section 85 of the Merchant Shipping Act 1995”; and
 - (ii) in the definition of “master”, for “Merchant Shipping Act 1894” substitute “Merchant Shipping Act 1995”.

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

- 30 In section 51(7) of the Trustee Act (Northern Ireland) 1958, for “Acts relating to merchant shipping” substitute “Merchant Shipping Act 1995”.

Factories Act 1961 (c. 34)

- 31 In section 176(1) of the Factories Act 1961, for the definitions of “ship”, “vessel” and “harbour” substitute ““ship” and “vessel” have the same meaning as “ship” in the Merchant Shipping Act 1995, and “harbour” has the same meaning as in the Merchant Shipping Act 1995;

Pipe-Lines Act 1962 (c. 58)

- 32 In section 39(4) of the Pipe-Lines Act 1962, for “section 8 of the Prevention of Oil Pollution Act 1971” substitute “section 151 of the Merchant Shipping Act 1995”.

Harbours Act 1964 (c. 40)

- 33 In section 57(1) of the Harbours Act 1964—
- (a) in the definition of “harbour”, for “meaning assigned to it by section 742 of the Merchant Shipping Act 1894” substitute “same meaning as in the Merchant Shipping Act 1995”; and
 - (b) in the definition of “lighthouse”, for “meaning assigned to it by section 742 of the Merchant Shipping Act 1894” substitute “same meaning as in the Merchant Shipping Act 1995”.

Status: This is the original version (as it was originally enacted).

*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 Payments Act (Northern Ireland) (excluded categories of employees), for “Merchant Shipping (Registration, etc.) Act 1993” substitute “Part II of the Merchant Shipping Act 1995”.

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

- 35 In section 176(1) of the Factories Act (Northern Ireland) 1965, for the definitions of “ship”, “vessel” and “harbour” substitute “ship” and “vessel” have the same meaning as “ship” in the Merchant Shipping Act 1995, and “harbour” has the same meaning as in the Merchant Shipping Act 1995;

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

- 36 In the Fisheries Act (Northern Ireland) 1966—
- (a) in section 163(3), for “Merchant Shipping (Registration, etc.) Act 1993” substitute “Part II of the Merchant Shipping Act 1995”; and
 - (b) in section 174(4), for “Merchant Shipping (Registration, etc.) Act 1993” substitute “Part II of the Merchant Shipping Act 1995”.

Finance Act 1966 (c. 18)

- 37 In section 2(5)(a) of the Finance Act 1966, for “Merchant Shipping Acts 1894 to 1965” substitute “Merchant Shipping Act 1995”, and for “those Acts” substitute “that Act”.

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

- 38 In the Sea Fish (Conservation) Act 1967—
- (a) for section 1(9), substitute—
 - “(9) In this section—
 - “British fishing boat” means a fishing boat which either is registered in the United Kingdom under Part II of the Merchant Shipping Act 1995 or is owned wholly by persons qualified to own British ships for the purposes of that Part of that Act; and
 - “foreign fishing boat” means any fishing boat other than a British fishing boat.”;
 - (b) in section 5(8)(b), for “Merchant Shipping (Registration, etc.) Act 1993” substitute “Merchant Shipping Act 1995”; and
 - (c) in section 22(1), for the definition of “British-owned” substitute—
 - ““British-owned”, in relation to a fishing boat, means owned by a person who is for the purposes of Part II of the Merchant Shipping Act 1995 a person qualified to own a British ship, or owned by two or more persons any one of whom is for those purposes a person so qualified;”.

Status: This is the original version (as it was originally enacted).

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

- 39 In section 32 of the Public Health Act (Northern Ireland) 1967, in the definition of “vessel”, for “in the Merchant Shipping Act 1894” substitute ““ship” in the Merchant Shipping Act 1995”.

Consular Relations Act 1968 (c. 18)

- 40 In the Consular Relations Act 1968—
- (a) in section 13(3), in paragraph (b), for “Merchant Shipping Acts 1894 to 1967” substitute “Merchant Shipping Act 1995”; and
 - (b) in section 15, for “685 or section 686 of the Merchant Shipping Act 1894” substitute “280 or section 281 of the Merchant Shipping Act 1995”.

Countryside Act 1968 (c. 41)

- 41 In section 13(6)(a) of the Countryside Act 1968, for “Merchant Shipping Act 1894” substitute “Merchant Shipping Act 1995”.

Hovercraft Act 1968 (c. 59)

- 42 In section 1(1)(i) of the Hovercraft Act 1968—
- (a) in sub-paragraph (ii), for the words after “1924” substitute “sections 185 and 186 of the Merchant Shipping Act 1995 so far as those sections relate to property on board a ship”; and
 - (b) in sub-paragraph (iii), for the words after “hovercraft” (where it occurs last) substitute “sections 185 and 186 of the Merchant Shipping Act 1995”.

Sea Fisheries Act 1968 (c. 77)

- 43 In the Sea Fisheries Act 1968—
- (a) in section 8(6)—
 - (i) for “418 of the Merchant Shipping Act 1894” substitute “85 of the Merchant Shipping Act 1995”;
 - (ii) for “723(1) of that Act (enforcement)” substitute “257 of the Merchant Shipping Act 1995 (powers to require production of ships documents)”;
 - (iii) for “subsection” substitute “section”; and
 - (iv) for “723(2)” substitute “257”.
 - (b) in section 17, for “72 of the Merchant Shipping Act 1906 (wreck brought within the limits of the United Kingdom)” substitute “236(1) of the Merchant Shipping Act 1995 (delivery of wreck to receiver)”, and for “Merchant Shipping Act 1894” substitute “Merchant Shipping Act 1995”; and
 - (c) in section 19(1)—
 - (i) for the definitions of “British fishing boat” and “foreign fishing boat” substitute—

““British fishing boat” means a fishing boat which either is registered in the United Kingdom under Part II of the Merchant Shipping Act 1995 or is wholly British-owned;” and

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(ii) in the appropriate places insert—

““foreign fishing boat” means any fishing boat other than a British fishing boat;” and

““wholly British-owned” means wholly owned by persons qualified to own British ships for the purposes of Part II of the Merchant Shipping Act 1995;”.

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

- 44 In Part II of Schedule 1 to the Harbours Act (Northern Ireland) 1970, in paragraph 7, for “section 2 of the Merchant Shipping (Liability of Shipowners and Others) Act 1900” substitute “section 191 of the Merchant Shipping Act 1995”.

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

- 45 (1) The Carriage of Goods by Sea Act 1971 shall be amended as follows (“the Rules” meaning the Rules set out in the Schedule to that Act).
- (2) Section 1 shall continue to have effect with the addition, after “1968”, of “and by the Protocol signed at Brussels on 21st December 1979”.
- (3) After section 1 insert the following section—

“1A Conversion of special drawing rights into sterling.

- (1) For the purposes of Article IV of the Rules the value on a particular day of one special drawing right shall be treated as equal to such a sum in sterling as the International Monetary Fund have fixed as being the equivalent of one special drawing right—
- (a) for that day; or
- (b) if no sum has been so fixed for that day, for the last day before that day for which a sum has been so fixed.
- (2) A certificate given by or on behalf of the Treasury stating—
- (a) that a particular sum in sterling has been fixed as aforesaid for a particular day; or
- (b) that no sum has been so fixed for a particular day and that a particular sum in sterling has been so fixed for a day which is the last day for which a sum has been so fixed before the particular day,
- shall be conclusive evidence of those matters for the purposes of subsection (1) above; and a document purporting to be such a certificate shall in any proceedings be received in evidence and, unless the contrary is proved, be deemed to be such a certificate.
- (3) The Treasury may charge a reasonable fee for any certificate given in pursuance of subsection (2) above, and any fee received by the Treasury by virtue of this subsection shall be paid into the Consolidated Fund.”
- (4) For section 6(4) substitute—
- “(4) It is hereby declared that for the purposes of Article VIII of the Rules section 186 of the Merchant Shipping Act 1995 (which entirely exempts

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shipowners and others in certain circumstances for loss of, or damage to, goods) is a provision relating to limitation of liability.”

- (5) Article IV of the Rules shall continue to have effect with the following amendments—
- (a) for “the equivalent of 10,000 francs” substitute “666.67 units of account”;
 - (b) for “30 francs per kilo” substitute “2 units of account per kilogramme”; and
 - (c) for paragraph 5(d) substitute—
 - “(d) The unit of account mentioned in this Article is the special drawing right as defined by the International Monetary Fund. The amounts mentioned in sub-paragraph (a) of this paragraph shall be converted into national currency on the basis of the value of that currency on a date to be determined by the law of the Court seized of the case.”
- (6) Article 4, paragraph 5(d) of the Rules shall continue to have effect as if the date there mentioned were the date of the judgment in question.
- (7) Article X of the Rules shall continue to have effect as if references to a Contracting State included references to a State that is a contracting State in respect of the Rules without the amendments made by the Protocol signed at Brussels on 21st December 1979 as well as to one that is a contracting State in respect of the Rules as so amended, and section 2 shall have effect accordingly.

Attachment of Earnings Act 1971 (c. 32)

- 46 In section 24(3) of the Attachment of Earnings Act 1971, for the words following “above” substitute—

““fishing boat” means a vessel of whatever size, and in whatever way propelled, which is for the time being employed in sea fishing or in the sea-fishing service;

“seaman” includes every person (except masters and pilots) employed or engaged in any capacity on board any ship; and

“wages” includes emoluments.”

Industry Act 1972 (c. 63)

- 47 In section 12(2)(a) of the Industry Act 1972, for “1 of the Merchant Shipping Act 1965” substitute “19 of the Merchant Shipping Act 1995”.

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

- 48 In section 1(2)(b) of the Education (Work Experience) Act 1973, for “(when it comes into force) section 51(1) of the Merchant Shipping Act 1970” substitute “section 55(1) of the Merchant Shipping Act 1995”.

Fishery Limits Act 1976 (c. 86)

- 49 In section 8 of the Fishery Limits Act 1976—
- (a) for the definition of “foreign fishing boat” substitute—

Status: This is the original version (as it was originally enacted).

- ““foreign fishing boat” means a fishing boat which is not—
- (a) registered in the United Kingdom, the Channel Islands or the Isle of Man; or
 - (b) wholly British-owned;” and
- (b) in the appropriate place insert—
- ““wholly British-owned” means wholly owned by persons qualified to own British fishing boats for the purposes of Part II of the Merchant Shipping Act 1995;”.

Aircraft and Shipbuilding Industry Act 1977 (c. 3)

- 50 In paragraph 5(1)(a) of Schedule 2 to the Aircraft and Shipbuilding Industry Act 1977 for “Merchant Shipping Act 1894” substitute “Merchant Shipping Act 1995”.

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

- 51 In the Rates (Northern Ireland) Order 1977—
- (a) in Schedule 4, in the definition of “vessel”, for “meaning assigned to it by section 742 of the Merchant Shipping Act 1894” substitute “same meaning as “ship” in the Merchant Shipping Act 1995”; and
 - (b) in Schedule 11, in paragraph 6, for “section 731 of the Merchant Shipping Act 1894” substitute “section 221(1) of the Merchant Shipping Act 1995”.

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

- 52 In section 46 of the Judicature (Northern Ireland) Act 1978, after subsection (3) insert the following subsection—
- “(3A) Sections 280, 281 and 282 of the Merchant Shipping Act 1995 (offences on ships and abroad by British citizens and others) apply in relation to other offences under the law of Northern Ireland as they apply in relation to offences under that Act or instruments under that Act.”

Customs and Excise Management Act 1979 (c. 2)

- 53 (1) The Customs and Excise Management Act 1979 shall be amended as follows.
- (2) In section 1(1)—
- (a) in the definition of “British ship”, for the words from “Merchant Shipping Act 1894” to the end substitute “Merchant Shipping Act 1995”;
 - (b) in the definition of “tons register”, for “Merchant Shipping Act 1894” substitute “Merchant Shipping Act 1995”.
- (3) In section 81(7), for “not being a fishing vessel registered under the Merchant Shipping (Registration, etc.) Act 1993” substitute “not being a fishing vessel registered under Part II of the Merchant Shipping Act 1995”.

Status: This is the original version (as it was originally enacted).

Hydrocarbon Oil Duties Act 1979 (c. 5)

- 54 In section 19(1)(a) of the Hydrocarbon Oil Duties Act 1979, for “fishing boat register under the Merchant Shipping Act 1894” substitute “register of British ships under the Merchant Shipping Act 1995”.

Magistrates' Courts Act 1980 (c. 43)

- 55 After section 3 of the Magistrates' Courts Act 1980 insert the following section—

“3A Offences committed on ships and abroad.

Sections 280, 281 and 282 of the Merchant Shipping Act 1995 (offences on ships and abroad by British citizens and others) apply in relation to other offences under the law of England and Wales as they apply in relation to offences under that Act or instruments under that Act.”

Education (Scotland) Act 1980 (c. 44)

- 56 In section 123(2)(b) of the Education (Scotland) Act 1980, for “(when it comes into force) section 51(1) of the Merchant Shipping Act 1970” substitute “section 55(1) of the Merchant Shipping Act 1995”.

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

- 57 In Article 2(2) of the Private Streets (Northern Ireland) Order 1980, in the definition of “industrial undertaking”, for “vessel as defined in section 742 of the Merchant Shipping Act 1894” substitute “ship as defined in the Merchant Shipping Act 1995”.

Animal Health Act 1981 (c. 22)

- 58 In the Animal Health Act 1981—
- (a) in section 49(4), for paragraph (a) substitute—
 - “(a) “master”, “owner” and “port” have the same meanings as in the Merchant Shipping Act 1995, and “vessel” has the same meaning as “ship” in the Merchant Shipping Act 1995; and”; and
 - (b) in section 65—
 - (i) in subsection (3), for “692 of the Merchant Shipping Act 1894” substitute “284 of the Merchant Shipping Act 1995”; and
 - (ii) in subsection (4)(a), for “1894 Act” substitute “1995 Act”.

Supreme Court Act 1981 (c. 54)

- 59 (1) The Supreme Court Act 1981 shall be amended as follows.
- (2) In section 20—
- (a) in subsection (3)—
 - (i) in paragraph (a), for the words after “under” substitute “the Merchant Shipping Act 1995”;
 - (ii) in paragraph (c), for “Merchant Shipping Acts 1894 to 1979” substitute “Merchant Shipping Act 1995”;

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- (b) in subsection (5)—
 - (i) in paragraph (a), for “the Merchant Shipping (Oil Pollution) Act 1971” substitute “Chapter III of Part VI of the Merchant Shipping Act 1995”;
 - (ii) in paragraph (b), for the words following “falling on the” substitute “International Oil Pollution Compensation Fund, or on the International Oil Compensation Fund 1984, under Chapter IV of Part VI of the Merchant Shipping Act 1995.”;
 - (c) in subsection (6)(a), for “section 1 of the Merchant Shipping Salvage and Pollution Act 1994” substitute “section 224 of the Merchant Shipping Act 1995”;
 - (d) in subsection (7), for “Merchant Shipping Acts 1894 to 1979” substitute “Merchant Shipping Act 1995”.
- (3) In section 24—
- (a) in subsection (1)—
 - (i) in the definition of “collision regulations”, for the words after “means” substitute “safety regulations under section 85 of the Merchant Shipping Act 1995”; and
 - (ii) in the definition of “master”, for “Merchant Shipping Act 1894” substitute “Merchant Shipping Act 1995”;
 - (b) in subsection (2), in paragraph (b), for “552 of the Merchant Shipping Act 1894” substitute “226 of the Merchant Shipping Act 1995”.
- (4) After section 46 insert the following section—

“46A Offences committed on ships and abroad.

- (1) Sections 280, 281 and 282 of the Merchant Shipping Act 1995 (offences on ships and abroad by British citizens and others) apply in relation to other offences under the law of England and Wales as they apply in relation to offences under that Act or instruments under that Act.”

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

- 60 In the Judgments Enforcement (Northern Ireland) Order 1981—
- (a) in Article 3(5)(f), for “section 11(1) of the Merchant Shipping Act 1970” substitute “section 34(1) of the Merchant Shipping Act 1995”;
 - (b) in Article 3(6), for “Merchant Shipping Act 1894” substitute “Merchant Shipping Act 1995”;
 - (c) in Article 97(2), for “section 11(1) of the Merchant Shipping Act 1970” substitute “section 34(1)(a) of the Merchant Shipping Act 1995”.

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

- 61 In Article 29(6) of the Clean Air (Northern Ireland) Order 1981, in the definition of “Government ship”, for “section 80 of the Merchant Shipping Act 1906” substitute “the Merchant Shipping Act 1995”.

Status: This is the original version (as it was originally enacted).

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) Order 1981, for “section 692 of the Merchant Shipping Act 1894” substitute “section 284 of the Merchant Shipping Act 1995”.

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

- 63 After Article 17 of the Magistrates' Courts Order 1981 insert the following Article—

Offences committed on ships and abroad

- “17A Sections 280, 281 and 282 of the Merchant Shipping Act 1995 (offences on ships and abroad by British citizens and others) apply in relation to other offences under the law of Northern Ireland as they apply in relation to offences under that Act or instruments under that Act.”

Civil Aviation Act 1982 (c. 16)

- 64 In the Civil Aviation Act 1982—
- (a) in section 75(6), for “530 to 537 of the Merchant Shipping Act 1894 or any enactment amending those sections” substitute “245 to 247 and sections 252 to 254 of the Merchant Shipping Act 1995”;
 - (b) in section 86(2), for “Merchant Shipping Act 1894” substitute “Merchant Shipping Act 1995”; and
 - (c) in section 97(6), in the definition of “conservancy authority” and “harbour authority”, for “meanings assigned to them by section 742 of the Merchant Shipping Act 1894” substitute “the same meaning as in the Merchant Shipping Act 1995”.

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

- 65 In the Oil and Gas (Enterprise) Act 1982—
- (a) in section 27(2), for paragraphs (a) and (b) substitute—
 - “(a) the Merchant Shipping Act 1995;
 - (b) the Pilotage Act 1987;”
 - (b) in section 28(1), in the definition of “submersible apparatus”, for “16(2) of the Merchant Shipping Act 1974” substitute “88 of the Merchant Shipping Act 1995”.

Civil Jurisdiction and Judgments Act 1982 (c. 27)

- 66 In the Civil Jurisdiction and Judgments Act 1982—
- (a) in section 31(3), for “13(3) of the Merchant Shipping (Oil Pollution) Act 1971” substitute “166(4) of the Merchant Shipping Act 1995”; and
 - (b) in section 32(4)(a)—
 - (i) omit “section 13(3) of the Merchant Shipping (Oil Pollution) Act 1971.”;
 - (ii) for “section 6(4) of the Merchant Shipping Act 1974” substitute “section 177(4) of the Merchant Shipping Act 1995”.

Status: This is the original version (as it was originally enacted).

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

- 67 In section 38(4)(a) of the Civic Government (Scotland) Act 1982, for “Merchant Shipping Acts 1894 to 1981” substitute “Merchant Shipping Act 1995”.

British Fishing Boats Act 1983 (c. 8)

- 68 In section 9 of the British Fishing Boats Act 1983—
- (a) for the definition of “British fishing boat” substitute—
- ““British fishing boat” means a fishing vessel which either is registered in the United Kingdom under Part II of the Merchant Shipping Act 1995 or is wholly British-owned;”;
- (b) in the appropriate place insert—
- ““wholly British-owned” means wholly owned by persons qualified to own British ships for the purposes of Part II of the Merchant Shipping Act 1995;”.

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

- 69 In the Public Health (Control of Disease) Act 1984—
- (a) in section 53(a) of the definition of “canal boat”, for “Merchant Shipping Acts 1894 to 1983” substitute “Merchant Shipping Act 1995”; and
- (b) in section 74, in the definition of “vessel”, for “in the Merchant Shipping Act 1894” substitute ““ship” in the Merchant Shipping Act 1995”.

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

- 70 In section 9(1) of the Inshore Fishing (Scotland) Act 1984—
- (a) for the definition of “British fishing boat” substitute—
- ““British fishing boat” means a fishing boat which either is registered under Part II of the Merchant Shipping Act 1995 or is wholly British-owned;”;
- (b) in the appropriate place insert—
- ““wholly British-owned” means wholly owned by persons qualified to own British ships for the purposes of Part II of the Merchant Shipping Act 1995;”.

Road Traffic Regulation Act 1984 (c. 27)

- 71 In section 133(1) of the Road Traffic Regulation Act 1984, for “Part IV of the Merchant Shipping Act 1894” substitute “Part IX of the Merchant Shipping Act 1995”.

County Courts Act 1984 (c. 28)

- 72 (1) The County Courts Act 1984 shall be amended as follows.
- (2) In section 27—

Status: This is the original version (as it was originally enacted).

- (a) in subsection (3)(a), for “section 1 of the Merchant Shipping (Salvage and Pollution) Act 1994” substitute “section 224 of the Merchant Shipping Act 1995”; and
 - (b) in subsection (5), for “Merchant Shipping Acts 1894 to 1983” substitute “Merchant Shipping Act 1995”.
- (3) In section 30(1)(c), for the words after “ships” substitute “with safety regulations under section 85 of the Merchant Shipping Act 1995”.
- (4) In section 31—
- (a) in subsection (1), in the definition of “master”, for “Merchant Shipping Act 1894” substitute “Merchant Shipping Act 1995”;
 - (b) in subsection (2)(b), for “552 of the Merchant Shipping Act 1894” substitute “226 of the Merchant Shipping Act 1995”.

Repatriation of Prisoners Act 1984 (c. 47)

- 73 In section 5(6) of the Repatriation of Prisoners Act 1984, in the definition of “British ship”, for “Merchant Shipping Act 1894” substitute “Merchant Shipping Act 1995”.

Dangerous Vessels Act 1985 (c. 22)

- 74 In section 2(b) of the Dangerous Vessels Act 1985, for “Merchant Shipping (Liability of Shipowners and Others) Act 1900” substitute “section 191 of the Merchant Shipping Act 1995 (which limits the liability of harbour, conservancy, dock and canal authorities)”.

Food and Environment Protection Act 1985 (c. 48)

- 75 In section 24(1) of the Food and Environment Protection Act 1985—
- (a) in the definition of “British vessel”, for “Merchant Shipping Act 1894” substitute “Merchant Shipping Act 1995”;
 - (b) in the definition of “vessel”, for “it by section 742 of the Merchant Shipping Act 1894”, substitute ““ship” by the Merchant Shipping Act 1995”.

Protection of Military Remains Act 1986 (c. 35)

- 76 In section 9 of the Protection of Military Remains Act 1986, in the definition of “British-controlled ship”, for “Merchant Shipping Act 1894” substitute “Merchant Shipping Act 1995”.

Wages Act 1986 (c. 48)

- 77 In section 30(3) of the Wages Act 1986, for “Merchant Shipping Act 1970” substitute “Part III of the Merchant Shipping Act 1995”.

Petroleum Act 1987 (c. 12)

- 78 In section 23(8) of the Petroleum Act 1987, for “16(2) of the Merchant Shipping Act 1974” substitute “88(4) of the Merchant Shipping Act 1995”.

Status: This is the original version (as it was originally enacted).

Debtors (Scotland) Act 1987 (c. 18)

- 79 In section 73(4) of the Debtors (Scotland) Act 1987—
- (a) in paragraph (a), for “section 742 of the Merchant Shipping Act 1894” substitute “section 313 of the Merchant Shipping Act 1995”; and
 - (b) in paragraph (b), for the words from “has” to the end substitute “means any ship which is for the time being employed in sea fishing or in the sea fishing service, and includes any ship which is both—
 - (i) engaged in whale fisheries off the coast of Scotland; and
 - (ii) registered under the Merchant Shipping Act 1995”.

Pilotage Act 1987 (c. 21)

- 80 In the Pilotage Act 1987—
- (a) in section 22—
 - (i) in subsection (3), for “Schedule 4 to the Merchant Shipping Act 1979” substitute “Schedule 7 to the Merchant Shipping Act 1995”; and
 - (ii) in subsection (7), for “17 or is excluded under section 18 of the Merchant Shipping Act 1979” substitute “185 or is excluded under section 186 of the Merchant Shipping Act 1995”; and
 - (b) in section 31(1)—
 - (i) in the definition of “master”, for “Merchant Shipping Act 1894” substitute “Merchant Shipping Act 1995”; and
 - (ii) in the definition of “pilot”, for “has the same meaning as in the Merchant Shipping Act 1894” substitute “means any person not belonging to a ship who has the conduct thereof”.

Channel Tunnel Act 1987 (c. 53)

- 81 In Part III of Schedule 7 to the Channel Tunnel Act 1987, in paragraph 1(2), in the definition of “the Trinity House”, for “742 of the Merchant Shipping Act 1894” substitute “223 of the Merchant Shipping Act 1995”.

Norfolk and Suffolk Broads Act 1988 (c. 4)

- 82 In section 25(1) of the Norfolk and Suffolk Broads Act 1988, in subsection (1), in the definition of “Trinity House”, for “742 of the Merchant Shipping Act 1894” substitute “223 of the Merchant Shipping Act 1995”.

Local Government Finance Act 1988 (c. 41)

- 83 In Schedule 5 to the Local Government Finance Act 1988, in paragraph 12(2), for “731 of the Merchant Shipping Act 1894” substitute “221(1) of the Merchant Shipping Act 1995”.

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

- 84 In the Copyright, Designs and Patents Act 1988—

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- (a) in section 162(2), in the definition of “British ship”, for “Merchant Shipping Acts (see section 2 of the Merchant Shipping Act 1988)” substitute “Merchant Shipping Act 1995”; and
- (b) in section 210(2), in the definition of “British ship”, for “Merchant Shipping Acts (see section 2 of the Merchant Shipping Act 1988)” substitute “Merchant Shipping Act 1995”.

Road Traffic Act 1988 (c. 52)

- 85 In section 144(2)(c) of the Road Traffic Act 1988, for “Merchant Shipping Act 1894” substitute “Merchant Shipping Act 1995”.

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

- 86 In Article 26(3) of the Wages (Northern Ireland) Order 1988, for “the Merchant Shipping Act 1970” substitute “Part III of the Merchant Shipping Act 1995”.

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

- 87 In section 5(7) of the Criminal Justice (International Co-operation) Act 1990, in the definition of “British ship”, for “Merchant Shipping Acts 1894 to 1988” substitute “Merchant Shipping Act 1995”.

Aviation and Maritime Security Act 1990 (c. 31)

- 88 (1) The Aviation and Maritime Security Act 1990 shall be amended as follows.
- (2) In section 14(3), for “686 or 687 of the Merchant Shipping Act 1894” substitute “281 or 282 of the Merchant Shipping Act 1995”.
 - (3) In section 15(8), in the definition of “master”, for “Merchant Shipping Act 1894” substitute “Merchant Shipping Act 1995”.
 - (4) In section 35(4), for “692 of the Merchant Shipping Act 1894” substitute “284 of the Merchant Shipping Act 1995”.
 - (5) In section 45—
 - (a) in subsection (7)(a), for “section 59(1) of the Merchant Shipping Act 1894” substitute “registration regulations”; and
 - (b) in subsection (10), for the words following “provisions” substitute “mean Part II of the Merchant Shipping Act 1995, or any Order in Council under section 1 of the Hovercraft Act 1968.”.
 - (6) In section 46(1)—
 - (a) in the definition of “British ship”—
 - (i) in paragraph (a), for “Part I of the Merchant Shipping Act 1894, section 5 of the Merchant Shipping Act 1983, Part II of the Merchant Shipping Act 1988” substitute “Part II of the Merchant Shipping Act 1995”;
 - (ii) in paragraph (b), for “Part I of the Merchant Shipping Act 1894” substitute “Part II of the Merchant Shipping Act 1995”; and
 - (b) in the definition of “master”, for “Merchant Shipping Act 1894” substitute “Merchant Shipping Act 1995”.

Status: This is the original version (as it was originally enacted).

Water Industry Act 1991 (c. 56)

- 89 In the Water Industry Act 1991—
- (a) in section 121(6), for “Merchant Shipping Act 1894” substitute “Merchant Shipping Act 1995”; and
 - (b) in section 219(1), in the definition of “harbour authority”, for “the Prevention of Oil Pollution Act 1971” substitute “Chapter II of Part VI of the Merchant Shipping Act 1995”.

Water Resources Act 1991 (c. 57)

- 90 In section 221(1) of the Water Resources Act 1991—
- (a) in the definition of “harbour”, for “the Merchant Shipping Act 1894” substitute “section 313 of the Merchant Shipping Act 1995”; and
 - (b) in the definition of “harbour authority”, for “the Merchant Shipping Act 1894” substitute “section 313 of the Merchant Shipping Act 1995”, and for “within the meaning of the Prevention of Oil Pollution Act 1971” substitute “as defined in section 151 for the purposes of Chapter II of Part VI of that Act”.

Land Drainage Act 1991 (c. 59)

- 91 In the Land Drainage Act 1991—
- (a) in section 12(7), for “the Prevention of Oil Pollution Act 1971” substitute “Chapter II of Part VI of the Merchant Shipping Act 1995”;
 - (b) in section 72(1)—
 - (i) in the definition of “conservancy authority”, for “the Prevention of Oil Pollution Act 1971” substitute “Chapter II of Part VI of the Merchant Shipping Act 1995”; and
 - (ii) in the definitions of “harbour” and “harbour authority”, for “Merchant Shipping Act 1894” substitute “Merchant Shipping Act 1995”.

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

- 92 In Article 4(b) of the Dangerous Vessels (Northern Ireland) Order 1991, for “Merchant Shipping (Liability of Shipowners and Others) Act 1900” substitute “section 191 of the Merchant Shipping Act 1995 (which limits the liability of harbour, conservancy, dock and canal authorities)”.

Judicial Pensions and Retirement Act 1993 (c. 8)

- 93 In the Judicial Pensions and Retirement Act 1993—
- (a) in section 26(8)(c), for “52 of the Merchant Shipping Act 1970” substitute “61 of the Merchant Shipping Act 1995”;
 - (b) in Schedule 5, in the entry for a “Wreck commissioner”, for “82 of the Merchant Shipping Act 1970” substitute “297(1) of the Merchant Shipping Act 1995”; and
 - (c) in Schedule 7, in paragraph 5(5)(xxxiii), for “82 of the Merchant Shipping Act 1970” substitute “297(1) of the Merchant Shipping Act 1995”.

Status: This is the original version (as it was originally enacted).

Clean Air Act 1993 (c. 11)

- 94 In the Clean Air Act 1993—
- (a) in section 46(6), in the definition of “Government ship”, for “section 80 of the Merchant Shipping Act 1906” substitute “the Merchant Shipping Act 1995”; and
 - (b) in section 64(1), in the definition of “vessel”, for “in the Merchant Shipping Act 1894” substitute ““ship” in the Merchant Shipping Act 1995”.

Value Added Tax Act 1994 (c. 23)

- 95 In section 33(3)(h), for “Part XI of the Merchant Shipping Act 1894” substitute “Part VIII of the Merchant Shipping Act 1995”.

SCHEDULE 14

Section 314.

TRANSITORY, SAVING AND TRANSITIONAL PROVISIONS

Extra-territorial provisions

- 1 (1) Without prejudice to section 315(1), the repeals made by this Act shall not affect the law in force in any country or territory which is outside the United Kingdom.
- (2) In particular, the repeal of section 735 of the Merchant Shipping Act 1894 shall not affect the power of Her Majesty in Council to confirm any legislation made by the legislature of a British possession under that section as it extends to that possession.
- (3) The provisions of this Act (including the repeal of any power by Order in Council to extend any enactment to a relevant British possession) or of any enactment which has been so extended, do not extend to any such possession except in so far as they are extended to that possession by an Order in Council under section 315(2) of this Act.

References to registration in other legislation

- 2 Any reference in an enactment in any other Act (not amended by Schedule 13), or in any instrument made under any other Act to the registration of a ship (or fishing vessel) under—
- (a) Part I of the Merchant Shipping Act 1894,
 - (b) section 5 of the Merchant Shipping Act 1983,
 - (c) section 13 of the Merchant Shipping Act 1988, or
 - (d) section 1 of the Merchant Shipping (Registration, etc.) Act 1993,
- shall be construed, unless the context otherwise requires, as, or as including, a reference to registration under Part II of this Act; and connected phrases shall be construed accordingly.

Qualifications: certificates of A.B.

- 3 (1) A seaman engaged in any United Kingdom ship shall not be rated as A.B. unless he is the holder of a certificate of competency granted in pursuance of regulations under this paragraph.

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- (2) The Secretary of State may make regulations providing for the grant of certificates of competency as A.B. for the purposes of this paragraph.
- (3) The regulations shall direct that no certificate shall be granted to any person unless—
 - (a) he has reached such minimum age as may be prescribed;
 - (b) he has performed such qualifying service at sea as may be prescribed; and
 - (c) he has passed such examination as may be prescribed.
- (4) The regulations may make such consequential provisions as appear to the Secretary of State to be necessary or expedient, including provision—
 - (a) for the payment of prescribed fees in respect of any application for the grant or replacement of a certificate;
 - (b) for applying section 104 of the Merchant Shipping Act 1894 (offences) to certificates, subject to such adaptations and modifications as may be prescribed.
- (5) Where provision is made by the law of any Commonwealth country for the grant of certificates of competency as A.B, and the Secretary of State is satisfied that the conditions under which such a certificate is granted require standards of competency not lower than those required for the grant of a certificate under the regulations, Her Majesty may by Order in Council direct that certificates granted in that country shall have the same effect for the purposes of this paragraph as if they had been granted under the regulations; and any such Order may apply to any such certificate any of the provisions of the regulations.
- (6) Any Order in Council under sub-paragraph (5) above shall be laid before Parliament after being made.
- (7) Any superintendent or other officer before whom a seaman is engaged in any United Kingdom ship shall refuse to enter the man as A.B. on the crew agreement unless the seaman produces a certificate or such other proof that he is the holder of such a certificate as may appear to the superintendent or other officer to be satisfactory.
- (8) In this paragraph—
 - “certificate” means a certificate of competency under the regulations;
 - “prescribed” means prescribed by the regulations; and
 - “the regulations” means regulations under this paragraph.

Manning: certificates existing in 1979

- 4 (1) The power to make regulations under section 47 includes power to make regulations providing that pre-1979 certificates shall, except in such cases as are specified in the regulations, be deemed for the purposes of such of the provisions of Part III as are so specified to be issued in pursuance of that section and to confer on the persons to whom they were issued such qualifications for the purposes of that section as are so specified.
- (2) In this paragraph “pre-1979 certificate” means a certificate granted under section 93, 99 or 414 of the Merchant Shipping Act 1894, a certificate referred to in an Order in Council made under section 102 of that Act, a certificate granted under section 27(2) of the Merchant Shipping Act 1906 or by an institution approved in pursuance of that subsection and a certificate granted under section 5 of the Merchant Shipping Act 1948.

Status: This is the original version (as it was originally enacted).

Masters and seamen: postponed commencements

- 5 (1) No provision to which this paragraph applies shall have effect until the Secretary of State by order appoints a day for that provision to come into force.
- (2) This paragraph applies to sections 60, 80(2) and (4), 111, 115, 116, 118, 119(2) and (3), 127, 314(1) so far as it relates to the repeal in the Aliens Restriction (Amendment) Act 1919 or in the Local Government etc. (Scotland) Act 1994.

Masters and seamen and documents: transitory provisions

- 6 (1) A provision to which this paragraph applies shall cease to have effect on such day as the Secretary of State by order appoints.
- (2) This paragraph applies to sections 57, 287(1)(a) and 298, paragraph 26 of Schedule 3 and paragraph 3 of this Schedule.

Safety provisions: saving of instruments, etc

- 7 (1) Notwithstanding the repeal by the Merchant Shipping (Registration, etc.) Act 1993 of the following provisions, instruments in force before the repeal under the provisions specified in the left-hand column shall continue in force until superseded by safety regulations and the related provisions specified in the right-hand column shall continue in force for the purposes of those instruments:

<i>Empowering provision</i>	<i>Related provisions</i>
1894 Act: section 427	— Section 430.
1949 Act: section 3	— Sections 3(5) and (6) and 28.
section 21	— Section 21(3).
1964 Act: section 2	— —
1967 Act (c.64): section 1	— Section 1(2) and (3).
1977 Act: section 2	— —

- (2) The Secretary of State may exempt any ships or classes of ships from any requirements of the rules for life-saving appliances or the radio rules, either absolutely or subject to such conditions as he thinks fit.

In this sub-paragraph—

“the rules for life-saving appliances” means rules under section 427 of the 1894 Act saved by sub-paragraph (1) above; and

“the radio rules” means rules under section 3 of the 1949 Act saved by that sub-paragraph.

Oil pollution: saving for certain transitional provisions

- 8 Notwithstanding the repeal of section 38 of the Merchant Shipping Act 1979 any transitional provisions included by virtue of subsection (6) of that section in a commencement order under section 52(2) of that Act shall continue to have effect.

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Lighthouses: dependencies

- 9 (1) Section 193(5) shall cease to have effect on such day or days as the Secretary of State by order appoints.
- (2) Until that day, the powers of the Trinity House under Part VIII with respect to lighthouses, buoys and beacons in the islands of Guernsey or Jersey other than their powers under sections 204 and 220 shall not be exercised without the consent of Her Majesty in Council.
- (3) Until that day, no dues for any lighthouse, buoy or beacon erected or placed in or near the islands of Guernsey, Jersey, Sark or Alderney shall be levied in the islands of Guernsey or Jersey without the consent of the States of those Islands respectively.
- (4) Any Order in Council under sub-paragraph (2) above shall be laid before Parliament.
- (5) There shall continue to be paid out of the General Lighthouse Fund under section 211 any expenditure incurred by the Government of the United Kingdom in pursuance of the arrangement made with the Government of Sri Lanka on 27th February 1976 for the transfer of certain lighthouses off the coast of that country.

Lighthouses: Scotland

- 10 Prior to the commencement of paragraph 7 of Schedule 13 to the Local Government etc. (Scotland) Act 1994, Schedule 8 shall have effect as if—
- (a) in paragraph 1(2), in head (a), for the words from “conveners” to “Bute” there were substituted “chairmen of the Inverness and Argyll district councils”;
 - (b) in paragraph 2(1), for the words “convener of any” there were substituted “chairmen of any district”; and
 - (c) paragraph 5 were omitted.

Wreck and salvage: Cinque ports

- 11 Nothing in Part IX shall prejudice or affect any jurisdiction or powers of the Lord Warden or any officers of the Cinque ports or of any court of those ports or of any court having concurrent jurisdiction within the boundaries of those ports; and disputes as to salvage arising without those boundaries shall, subject to the Salvage Convention as set out in Schedule 11, be determined in the manner in which they have been hitherto determined.

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

- 12 Prior to the commencement of paragraph 1 of Schedule 13 to the Local Government etc. (Scotland) Act 1994, section 235(4) shall have effect as if for the words “constituted under section 2 of the Local Government etc. (Scotland) Act 1994” there were substituted “of the regional or islands area”.

Behring Sea Award

- 13 Nothing in this Act shall affect the Behring Sea Award Act 1894.

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Table of Derivations

Notes

- 1 This Table shows the derivations of the provisions of the Bill.
- 2 The following abbreviations are used in the Table:—

ACTS OF PARLIAMENT

1894	= Merchant Shipping Act 1894 (c. 60)
1900	= Merchant Shipping (Liability of Shipowners and others) Act 1900 (c. 32)
1906	= Merchant Shipping Act 1906 (c. 48)
1911 MC	= Maritime Conventions Act 1911 (c. 57)
1970 FV	= Fishing Vessels (Safety Provisions) Act 1970 (c. 27)
1970	= Merchant Shipping Act 1970 (c. 36)
1971	= Merchant Shipping (Oil Pollution) Act 1971 (c. 59)
1971 POP	= Prevention of Oil Pollution Act 1971 (c. 60)
1974	= Merchant Shipping Act 1974 (c. 43)
1979	= Merchant Shipping Act 1979 (c. 39)
1981	= Merchant Shipping Act 1981 (c. 10)
1982 CJ	= Criminal Justice Act 1982 (c. 48)
1984	= Merchant Shipping Act 1984 (c. 5)
1988	= Merchant Shipping Act 1988 (c. 12)
1993	= Merchant Shipping (Registration etc) Act 1993 (c. 22)
1994	= Merchant Shipping (Salvage and Pollution) Act 1994 (c. 28)

SUBORDINATE LEGISLATION

1995 SC	= Merchant Shipping (Survey and Certification) Regulations 1995 (S.I. 1995/1210)
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- 3 By the Transfer of Functions (Trade and Industry) Order 1983, S.I. 1983/1127, the functions of the Secretary of State for Trade (who succeeded to the functions of the Board of Trade under previous Orders) relating to shipping were transferred to

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- the Secretary of State for Transport. This effect on the numerous references to the Board of Trade is not noted in the Table.
- 4 By Schedule 1, paragraph 1 to the Customs and Excise Management Act 1979 (c. 2) references to the Commissioners of Customs or to officers of customs in pre-1.4.1909 (when the respective Commissioners and their officers were assimilated) enactments became references to the Commissioners of Customs and Excise and officers of customs and excise respectively. This effect is not noted in the Table.
- 5 Schedule 4, paragraph 2 of the 1993 Act effected general changes in the terminology used in the Merchant Shipping Acts. These included—
- (a) assimilating “ship” and “vessel” so that generally only “ship” is used;
 - (b) enabling use to be made in the many contexts where the provision has one or other of these meanings of the expressions “United Kingdom waters” and “national waters”; and
 - (c) substituting its “equipment” for the tackle, equipments, furniture or apparel of a ship.
- These changes in terminology are not noted against the numerous provisions affected.
- 6 The general conversion of then-existing fines in terms of amounts of money into levels on the standard scale effected by section 46 of the Criminal Justice Act 1982 (c. 48) is not noted in the Table against the numerous provisions affected by the conversion; nor is the general increase in summary penalties effected in pre-1949 enactments by section 31(6) of the Criminal Law Act 1977 (c. 45). But specific alterations are noted.
- 7 As regards offences, paragraph 74 of Schedule 4 to the 1993 Act made three changes. These were—
- (a) the substitution of “intentionally” for “wilfully”;
 - (b) the substitution of “permitting” for “suffering” or “allowing” a thing to be done; and
 - (c) the substitution of “excuse” for “cause” in the expression “reasonable cause”.
- These are not noted against the provisions affected.
- 8 Section 1(1)(c) of the Merchant Shipping (Mercantile Marine Fund) Act 1898 (c. 44) translated all references to that Fund into references to the General Lighthouse Fund constituted by that section. These are not noted in the Table against the numerous provisions affected.

<i>Provision</i>	<i>Derivation</i>
1(1), (2)	1993 Sch.3 para.1(1),(2); Sch.4 para.1(1).
(3)	Drafting.
2(1) to (3)	1993 Sch.3 para.2.
(4)	1894 s.738(2)
3	1993 Sch.3 para.5.
4	1993 Sch.3 para.3.
5	1993 Sch.3 para.4.

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<i>Provision</i>	<i>Derivation</i>
6	1993 Sch.3 para.6.
7(1),(2)	1894 s.76(1); 1988 Sch.1. para.47; 1993 Sch.4 para.2(4)
(3),(4)	1894 s.76(2); 1988 Sch.1 para.47.
(5)	1894 s.76(1).
8	1993 s.1(1) to (5).
9	1993 s.2.
10	1993 s.3(1) to (7), (9).
11	1894 s.82; 1993 Sch.2 para.2(a).
12(1),(2)	1894 s.84(1); 1988 Sch.1 para.48.
(3)	Merchant Shipping Act 1965 (c. 47) Schedule 1.
(4),(5)	1894 s.84(2),(3).
13	1993 Sch.3 para.7.
14	1993 s.4.
15	1993 s.5.
16	1993 s.6.
17	1993 s.7.
18	1988 s.11; 1993 Sch.2 para.15(2).
19	1965 s.1 (1) to (4), (6),(6A); 1970 s.91; 1979 Sch.6 Pt.VI para.6.
20	1894 s.76.
21	1988 s.52; 1993 Sch.2 para.15(4).
22	1894 s.66; 1993 Sch.4 para.71.
23	1993 s.9(2), (3).
24(1),(2)	1970 s.96(1); 1988 Sch.5.
(3)	1970 s.95(1).
25	1970 s.1; 1979 Sch.6 Pt.III.
26	1970 s.2; 1979 Sch.6 Pt.VI para.8.
27	1970 s.3; 1979 Sch.6 Pt.VI para.8.
28	1970 s.4.
29	1970 s.5.
30(1)	1970 s.7(1); 1988 s.46(2).
(2)	1970 s.7(2); 1988 s.46(3).
(3)	1970 s.7(3); 1988 s.46(4).

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<i>Provision</i>	<i>Derivation</i>
(4) to (6)	1970 s.7(3A) to (3C); 1988 s.46(5).
(7)	1970 s.7(4); 1988 s.46(6).
(8),(9)	1970 s.7(5),(6); 1988 s.46(7).
(10)	1970 s.7(7); 1988 s.46(8).
31 (1) to (3)	1970 s.8(1) to (3); 1988 s.46(9).
(4)	1970 s.8(3A); 1988 s.46(9)
(5),(6)	1970 s.8(4),(5); 1979 Sch.6 Pt.I.
32	1970 s.9.
33	1970 s.10.
34(1)	1970 s.11(1); 1993 Sch.4 para.9.
(2),(3)	1970 s.11(2),(3).
(4)	1979 s.39(3).
(5)	Child Support Act 1991 (Consequential Amendments) Order 1993 (S.I. 1993/785) art.5; Child Support (Northern Ireland) Order 1991 (Consequential Amendments) Order (Northern Ireland) 1993 (S.R. (NI) 1993 No.157) art.5.
(6)	1979 s.39(2).
35	1970 s.12.
36	1970 s.13.
37	1970 s.14.
38(1) to (3)	1970 s.15(1) to (3).
(4)	1979 s.37(1).
39	1970 s.16.
40(1) to (9)	1970 s.17(1) to (9).
(10),(11)	1970 s.17(10),(11); Transfer of Functions (Local Government etc.) (Northern Ireland) Order 1973 (1973 SR&O (NI) 1973/256) Sch.1; Sch. 2 Social Security Act 1989 (c. 24) s.5(5); 1993 Sch.4 para.10; S.I.
41	1970 s.18.
42(1),(2)	1894 s.458(1); 1993 Sch.4 paras.6(1), 7.
(3)	1894 s.458(2)(a).
43	1970 s.20; 1979 Sch.6 Pt.IV.
44(1)	1970 s.22(1); S.I. 1989/102 reg.1(3)(b).

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<i>Provision</i>	<i>Derivation</i>
(2),(3)	1970 s.22(2),(3).
(4)	1970 s.22(4); 1979 Sch.6 Pts.II, III.
45	1970 ss.26, 97(5).
46	1970 s.49.
47	1970 s.43; 1979 Sch.6 Pt.IV.
48	1970 s.44.
49(1)	1970 s.45; 1979 Sch.6 Pt.IV; 1982 CJ s.49(1).
(2)	1970 s.96(2); 1988 Sch.5.
50	1970 s.47; 1979 Sch.6 Pt.II.
51	1970 s.48; 1979 Sch.6 Pt.IV.
52	1970 s.46; 1979 s.43(2) Sch.6 Pt.V; 1982 CJ s.49(1).
53	1970 s.25.
54	1970 s.50; 1979 Sch.6 Pt.IV.
55	1970 s.51; 1979 Sch.6 Pt.II.
56	1988 s.26.
57	Mercantile Marine Uniform Act 1919 (c. 62) s.1.
58(1) to (5)	1970 s.27(1) to (5); 1988 s.32.
(6)	1970 ss.27(6), 33.
(7),(8)	1970 s.27(7),(8); 1988 s.32.
59	1970 s.30(c); 1974 s.19(4); 1979 Sch.6 Pt.VII para.21; 1982 CJ s.49(1).
60(1)	1979 s.23(1).
(2)	1979 s.23(1)(a).
(3)	1979 s.23(1)(b).
(4)	1979 s.23(1)(c).
(5)	1979 s.23(1)(d).
(6)	1979 s.23(1)(e).
(7)	1979 s.23(1)(f).
(8)	1979 s.23(1) full out.
(9),(10)	1979 s.23(3).
61	1970 s.52.
62	1970 s.53.

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<i>Provision</i>	<i>Derivation</i>
63	1970 s.54.
64	1970 s.57.
65	1970 s.58; 1988 Sch.6.
66	1970 s.59; 1979 Sch.6 Pt.II.
67	1970 s.60.
68	1988 s.44.
69	1988 s.45.
70	1970 s.39.
71	1970 s.40.
72	1970 s.41.
73(1) to (3)	1970 s.62(1) to (3).
(4)	1970 s.62(4); British Nationality Act 1981 (c. 61) s.51(3).
(5)	1970 s.62(5).
(6)	1970 s.62(6); 1979 Sch.6, Pt.VI para.8.
(7)	1970 s.62(7).
(8)	1970 s.67.
74	1970 s.63.
75	1970 s.64.
76	1988 s.27.
77	1970 s.68; 1979 Sch.6 Pt.III, Pt.IV para.4; 1982 CJ s.46(2).
78	1970 s.69; 1979 Sch.6 Pt.VI para.4; 1982 CJ s.46(2).
79(1)	1970 s.70(1).
(2)	1970 s.70(2); 1979 Sch.6 Pt.VI para.4; 1982 s.46(2).
(3)	1970 s.70(3); British Nationality Act 1981 (c. 61) Sch.7.
(4)	1970 s.70(4); 1979 Sch.6 Pt.III.
80(1)	1970 s.71(1).
(2)	1979 s.23(5).
(3)	1970 s.71(2); 1979 Sch.6 Pt.VI para.4; 1982 CJ s.46(2).
(4)	1979 s.23(6); 1982 CJ s.49(1).
81	1970 s.74; 1979 Sch.6 Pt.II.

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<i>Provision</i>	<i>Derivation</i>
82	1988 ss.28, 53(2)(a).
83	1988 s.29.
84	1970 s.97(1) to (4), (6).
85(1)	1979 s.21(1); Safety at Sea Act 1986 (c. 23) s.11(1), (4); 1993 Sch.4 para.6(4).
(2)	1979 s.21(2); British Nationality Act 1981 (c. 61) s.51(3).
(3)	1979 s.21(3); Safety at Sea Act 1986 (c. 23) s.11(2), (4).
(4)	1979 s.21(3A); 1993 Sch.4 para.13(3).
(5),(6)	1979 s.21(4),(5).
(7)	1979 s.21(6); 1982 CJ s.49(3).
86(1)	1979 s.22(1); 1993 Sch.4 para.13.
(2)	1979 s.22(3).
(3)	1979 s.22(4)
(4)	1979 s.22(2).
(5),(6)	1979 s.49(4A),(4B); Safety at Sea Act 1986 (c. 23) s.11(3); 1988 Sch.5.
87(1),(2)	1894 s.449(1); 1993 Sch.4 para.11(2) (a).
(3),(4)	1894 s.449(2); 1993 Sch.4 para.11(2) (b).
(5)	1894 s.449(3); 1993 Sch.4 para.11(2) (c).
88(1)	1974 s.16(1); 1993 Sch.4. para.6(3)
(2)	1974 s.17(1); 1993 Sch.4 para.6(3).
(3)	1974 s.17(3).
(4)	1974 s.16(2).
89	Drafting.
90	1970 s.86.
91(1)	Merchant Shipping (Safety and Load Line Conventions) Act 1932 (c. 9) s.24(1).
(2)	1932 (c. 9) s.24(1); Merchant Shipping Act 1964 (c. 47) s.16.
(3)	1932 (c. 9) s.24(2).
(4)	1932 (c. 9) s.24(3); 1979 Sch.6 Pt.III.

Status: This is the original version (as it was originally enacted).

<i>Provision</i>	<i>Derivation</i>
(5),(6)	1932 (c. 9) s.24(4); Post Office Act 1969 (c. 48) s.3(1)(i).
(7)	1932 (c. 9) s.24(4),(5).
92(1)	1894 s.422(1).
(2)	1993 Sch.4 para.6(2).
(3)	1911 MC s.4(2).
(4)	1894 s.422(3); 1979 Sch.6 Pt.VII para.6.
93(1),(2)	Merchant Shipping (Safety Convention) Act 1949 (c. 43) s.22(1),(2).
(3)	1993 Sch.4 para.6(2).
(4),(5)	1949 (c. 43) s.22(3),(4).
(6)	1949 (c. 43) ss.22(5), 37(3) incorporating 1894 s.680(1)(a).
(7)	1949 (c. 43) s.22(8).
94(1),(2)	1988 ss.30(1),(3), 30A(5).
(3)	1988 s.30(9).
95	1988 s.30A; 1993 Sch.4 para.12(2).
96(1)	1984 s.4(1); 1993 Sch.4 para.12(3),(4).
(2)	1984 s.4(2); 1993 Sch.4 para.12(4)(c).
(3)	1993 Sch.4 para.12(4)(d).
(4)	1984 s.4(3).
(5)	1993 Sch.4 para.12(4)(e).
(6),(7)	1984 s.4(5); Courts and Legal Services Act 1990 (c. 41) Sch.10 para.55.
(8),(9)	1984 s.4(6),(7)
(10)	1993 Sch.4 para.12(4)(a).
97(1)	1984 s.5(1); 1993 Sch.4 para.12(3),(4).
(2)	1984 s.5(4).
(3)	1984 s.5(5).
(4)	1993 Sch.4 para.12(4)(a).
98	1988 s.30(1),(2),(4) to (10).
99	Merchant Shipping Act 1921 (c. 28) ss.2, 3.
100	1988 s.31.
101(1)	1894 s.287(1); 1995 SC reg.1(5).

Status: This is the original version (as it was originally enacted).

<i>Provision</i>	<i>Derivation</i>
(2)	1894 s.287(2); 1993 Sch.4 para.14.
(3)	1894 s.287(3); 1993 Sch.4 para.14.
(4)	1894 s.287(1),(2); 1979 Sch.6 Pt.I.
(5)	1894 s.287(4).
(6)	1995 SC reg.1(5).
102	1894 s.288; 1993 Sch.4 para.2(1)(g); 1995 SC reg.1(6).
103	1970 s.77; 1979 Sch.6 Pt VI para.9.
104	1970 s.78; Aviation and Maritime Security Act 1990 (c. 31) Sch.3.
105	1970 s.79.
106(1)	1970 s.32.
(2)	1970 s.96(2); 1988 Sch.5.
(3)	1970 s.95(1)(a).
107	1906 s.76; 1979 Sch.6 Pt.VI para.13; 1993 Sch.4 para.15.
108(1)	1970 s.72(1).
(2),(4)	1970 s.72(1)(a).
(3),(4)	1970 s.72(1)(b); British Nationality Act 1981 (c. 61) s.51(3).
(5),(6)	1979 s.30(1).
(7)	1970 s.72(2); 1979 s.30(1).
(8)	1970 s.72(3).
(9)	1970 s.72(4); 1979 Sch.6 Pt.VI para.4; 1982 CJ s.46(3).
(10)	1970 s.72(5).
(11)	1970 s.97(5).
109	1970 s.95(1), Sch.2 Pt.I para.1; 1982 CJ s.38(8).
110	1970 ss.7, 95(1)(b), Sch.2 Pt.II.
111	1979 s.24.
112	1970 ss.8, 95(1)(b), Sch.2 Pt.II.
113	1970 s.95(4); Attachment of Earnings Act 1971 (c. 32) s.27(3); Judgments Enforcement (Northern Ireland) Order (S.I. 1981/226 Sch.2 para.17).
114	1970 s.95(2).

Status: This is the original version (as it was originally enacted).

<i>Provision</i>	<i>Derivation</i>
115	1970 s.95(1)(a), Sch.2 para.4; 1979 Sch.6 Pt.III.
116	1970 s.95(1)(a), Sch.2 para.3; 1979 Sch.6 Pt.II; 1982 CJ s.38(8).
117	1970 ss.28, 33; 1979 s.45(2) Sch.6 Pt. VII para.20; Safety at Sea Act 1986 (c. 23) s.10.
118	1979 s.25.
119(1)	1970 s.95(1)(a); 1979 s.45(3).
(2),(3)	1979 s.23(2).
120	1970 s.95(5).
121	1970 FV s.1; 1979 Sch.6 Pt.V.
122(1)	1970 FV s.2(1); 1986 s.5(1).
(2)	Drafting.
123	1970 FV s.3(1) to (3), 9(1).
124(1) to (4)	1970 FV s.3(4); 1894 ss.280, 281(1), (2); 1993 Sch.4. para.16.
(5),(6)	1970 FV s.3(4); 1894 ss.282,680(1).
(7)	1970 FV s.3(5).
125	1970 FV s.4(1) to (3); 1979 s.43(2), Sch.6 Pt.V.
126	1970 FV s.5; 1982 CJ s.38(8).
127	Safety at Sea Act 1986 (c. 23) ss.7, 9(1).
128(1)	1979 s.20(1); 1994 s.2(1).
(2)	1979 s.20(2).
(3)	1979 s.20(3); Environmental Protection Act 1990 (c. 43) s.148(2); 1988 Sch.6; 1994 s.3(2).
(4)	1979 s.20(4); 1994 s.3(3).
(5),(6)	1979 s.20(4A),(4B); 1994 s.3(4).
(7)	1979 s.20(5).
(8),(9)	1979 s.20(6); 1994 s.2(2).
129	1979 s.20A; 1994 s.4.
130(1) to (3)	1988 s.35.
(4)	1988 s.53(2).

Status: This is the original version (as it was originally enacted).

<i>Provision</i>	<i>Derivation</i>
131(1),(2)	1971 POP s.2(2A), (2B); Prevention of Oil Pollution Act 1986 (c. 6) s.1(1).
(3)	1971 POP s.2(4).
(4)	1971 POP s.29(1).
(5),(6)	1971 POP s.2(3).
132	1971 POP s.5.
133	1971 POP s.6(1) except (b) and (c).
134	1971 POP s.7.
135	1971 POP s.10; 1979 Sch.6 Pt.II.
136	1971 POP ss.11 except (c), 29(1); 1979 Sch.6 Pt.IV.
137	1971 POP s.12; 1994 s.8(6).
138	1971 POP s.13.
139	1971 POP s.14.
140(1)	1971 POP s.15(1); Companies Consolidation (Consequential Provisions) Act (c.9) 1985 Sch.2.
(2)	1971 POP s.15(2).
(3)	1971 POP s.15(3); S.I. 1986/1032 (NI6) Sch.1 Pt.II.
141	1971 POP s.16.
142(1) to (4)	1971 POP s.17(1) to (4).
(5)	1971 POP s.27(4).
(6) to (8)	1971 POP s.17(5); 1979 Sch.6 Pt.VI para.17.
(9)	1971 POP s.17(6).
(10)	1971 POP s.29(1).
143(1)	1971 POP s.19(1).
(2),(3)	1971 POP ss.19(1), 30(4).
(4)	1971 POP s.19(2).
(5)	1971 POP s.19(3).
(6),(7)	1971 POP s.19(4A); Environmental Protection Act 1990 (c. 43) Sch.14 para.2.
144(1) to (7),(10)	1971 POP s.19A; Environmental Protection Act 1990 s.148(1), (3), Sch.14 paras. 1, 3.

Status: This is the original version (as it was originally enacted).

<i>Provision</i>	<i>Derivation</i>
145	1971 POP s.19A(8), (9); Environmental Protection Act 1990 s.148(1), (3), Sch.14 paras.1, 3.
146	1971 POP s.20; Debtors (Scotland) Act 1987 (c. 18) Sch.6 para.14; Environmental Protection Act 1990 (c. 43) Sch.14 para 4; 1993 Sch.4 para.66.
147	1971 POP s.21.
148	1971 POP s.23; Petroleum and Submarine Pipelines Act 1975 (c. 74) s.45(2); 1979 s.37(8).
149	1971 POP s.24.
150	1971 POP s.26.
151(1),(2)	1971 POP ss.8(2), 29(1).
(3) to (5)	1971 POP s.29(2) to (4).
(6)	1971 POP s.29(5); 1993 Sch.4 para.17(c).
(7)	1971 POP s.32.
152	1971 s.19; 1988 Sch.4 Pt.I para.13; 1994 s.5(1),(4).
153	1971 s.1; 1988 Sch.4 Pt.1 para.1; 1994 Sch.3 Pt.II para.1.
154	1971 s.1A; 1994 Sch.3 Pt.II para.2.
155	1971 s.2; 1988 Sch.4 Pt.I para.2; 1994 Sch.3 Pt.II para.3.
156	1971 s.3; 1988 Sch.4 Pt.I para.3; 1994 Sch.3 Pt.II para.4.
157	1971 s.4; 1988 Sch.4 Pt.I para.4.
158(1),(2)	1971 s.5(1),(2).
(3)	1971 s.5(2A); 1979 s.38(2).
(4)	1971 s.5(3).
(5)	1971 s.5(4); 1979 Sch.5 para.6(1).
(6),(7)	1971 s.5(5),(6).
(8)	1988 Sch.4 Pt.I para.5.
159	1971 s.6.
160	1971 s.7; 1988 Sch.4 Pt.I para.6.
161	1971 s.8.

Status: This is the original version (as it was originally enacted).

<i>Provision</i>	<i>Derivation</i>
162	1971 s.9; 1994 Sch.3 Pt.I para.5.
163(1)	1971 s.10(1).
(2)	1971 s.10(2).
(3)	1971 s.10(3); 1988 Sch.4 Pt.I para.8(b).
(4)	1971 s.10(5).
(5)	1971 s.10(6); 1988 Sch.5.
(6)	1971 s.10(7); 1979 Sch.6 Pt.III.
(7)	1971 s.10(8).
164	1971 s.11.
165	1971 s.12; 1988 Sch.4 Pt.I para.9.
166(1)	1971 s.13(1); Supreme Court Act 1981 (c. 54) Sch.5.
(2),(3)	1971 s.13(2),(2A); 1988 Sch.4 Pt.I para.10.
(4)	1971 s.13(3).
167	1971 s.14; 1988 Sch.4 Pt.I para.11.
168	1971 s.15(2); 1979 Sch.5 para.6(2); 1994 Sch.3 Pt.II para.7.
169	1971 s.16.
170	1971 s.20; 1988 Sch.4 Pt.II para.8.
171(1)	1994 ss.5(1), 10(3).
(2), (3)	1994 s.5(3), (4).
172	1974 s.1(1),(2); 1988 Sch.4 Pt.II para.15; 1994 s.5(1),(4).
173(1)	1974 s.2(1),(10).
(2) to (6)	1974 s.2(2) to (6).
(7)	1974 s.2(7); 1988 Sch.4 Pt.II para.16.
(8) to (10)	1974 s.2(8),(9); 1982 CJ s.38(9); Companies Consolidation (Consequential Provisions) Act 1985 (c. 9) Sch.2.
174(1) to (4)	1974 s.3(1) to (4).
(5)	1974 s.3(5); 1979 Sch.6 Pt.IV.
(6)	1974 s.3(6); 1979 Sch.6 Pt.VI para.18.
175(1) to (7)	1974 s.4(1) to (7); 1988 Sch.4 Pt.II para.17(2).

Status: This is the original version (as it was originally enacted).

<i>Provision</i>	<i>Derivation</i>
(8) to (10)	1974 s.4(8),(9),(9A); 1988 Sch.4 Pt.II para.17(3).
176	1974 s.4A; 1988 Sch.4 Pt.II para.17(5).
177	1974 s.6; Supreme Court Act 1981 (c. 54) Sch.5.
178	1974 s.7(1),(2); 1988 Sch.4 Pt.II para.20(a).
179(1)	1974 s.8(1); 1994 s.7(1).
(2)	1974 s.8(4).
180	1974 s.8A; 1988 Sch.4 Pt.II para.22.
181(1),(2)	1974 s.1(3) to (6); 1988 Sch.4 Pt.II para.15.
(3)	1971 s.20(3); 1988 Sch.4 Pt.I para.14.
182(1)	1994 ss.5(1), 10(3).
(2), (3)	1994 s.5(3), (4).
183	1979 ss.14(1),(2),(4) to (7), 15(2).
184	1979 s.16(2), (3), (5), (6).
185(1),(2)	1979 s.17.
(3)	1979 Sch.5 para.3.
(4)	1979 s.35(2).
186	1979 s.18; 1993 Sch.4 para.6(1).
187(1)	1911 MC s.1(1).
(2)	1911 MC s.1(1) proviso (a).
(3)	1911 MC s.9(4).
(4)	1911 MC s.1(1) proviso (b).
(5)	1911 MC s.1(1) proviso (c).
(6),(7)	1911 MC s.1(2).
188(1)	1911 MC s.2.
(2)	1911 MC s.9(4).
(3)	1911 MC s.2 proviso.
(4)	1911 MC s.1(2).
189(1)	1911 MC s.3(1).
(2)	1911 MC s.9(4).
(3)	1911 MC s.3(1) proviso.
(4)	1911 MC s.3(2).

Status: This is the original version (as it was originally enacted).

<i>Provision</i>	<i>Derivation</i>
190(1) to (4)	1911 MC s.8.
(5),(6)	1911 MC s.8 proviso.
191(1),(2)	Merchant Shipping (Liability of Shipowners and others) 1900 (c. 32) s.2(1).
(3)	Ibid.s.3.
(4)	1979 Sch.5 para.1(1).
(5)	1979 Sch.5 para.1(2).
(6)	1979 Sch.5 para.1(3).
(7)	1900 (c. 32) s.2(1).
(8)	1900 (c. 32) s.2(6).
(9)	Ibid. s.2(4),(5).
192(1)	Crown Proceedings Act 1947 (c. 44) ss.5,6,7,30(1); 1979 Sch.5 para.3.
(2)	Ibid. s.38(2).
(3)	Crown Proceedings Order 1981 (SI 1981/233) art.30(1).
193(1)	1894 s.634(1).
(2)	1894 s.634(1); Ports Act 1991 (c. 52) s.31(3).
(3)	1894 s.668.
(4)	1894 s.634(1); Ports Act 1991 (c. 52) s.34(3).
(5)	1894 s.634(1)(a),(b).
194	1894 s.635.
195(1)	1894 s.634(1).
(2)	1894 s.634(2).
196	1894 s.634A; 1988 s.41.
197(1)	1894 s.638.
(2),(3)	Ports Act 1991 (c. 52) s.31(4),(5).
(4)	1894 s.642; 1993 Sch.4 para.39.
(5)	1894 s.639(1).
(6)	1894 s.639(1A); 1993 Sch.4 para.38.
(7)	1894 s.639(2).
198	1894 s.652.
199(1)	1894 s.653(1).

Status: This is the original version (as it was originally enacted).

<i>Provision</i>	<i>Derivation</i>
(2)	1894 s.653(2).
(3)	1894 s.653(3); Ports Act 1991 (c. 52) s.31(6).
(4)	1894 s.653(5).
200	1894 s.636.
201	Ports Act 1991 (c. 52) s.31(1), (2), (7).
202	Ports Act 1991 (c. 52) s.32.
203	Ports Act 1991 (c. 52) ss.33(1), 34(2).
204(1)	1894 s.654(1).
(2)	Ports Act 1991 (c. 52) ss.33(3), 34(2).
205(1),(2)	1894 s.643; 1993 Sch.4 para.40.
(3)	Merchant Shipping (Mercantile Marine Fund) Act 1898 (c. 44) s.5(1).
(4)	1894 s.643.
(5)	Merchant Shipping (Mercantile Marine Fund) Act 1898 (c. 44) s.5(2); 1979 s.36(2).
(6)	1894 s.647; 1993 Sch.4 para.42.
(7) to (9)	1894 s.648(2),(3); 1993 Sch.4 para.43.
206	1894 s.643A; 1993 Sch.4 para 41.
207(1)	1894 s.649(1).
(2)	1894 ss.649(1), 681(2).
(3)	1894 s.649(1A); 1993 Sch.4 para.44.
(4)	1894 s.649(2).
208	1894 s.650; 1993 Sch.4 para.45.
209	1894 s.651; 1993 Sch.4 para.46.
210(1)	Harbours Act 1964 (c. 40) s.29(2),(3).
(2)	1964 (c. 40) s.29(2).
(3),(4)	1894 s.655(2).
(5)	1964 (c. 40) s.30(2); 1993 Sch.4 para.55.
(6)	1964 (c. 40) s.30(3).
(7)	1964 (c. 40) s.30(4).
(8)	1964 (c. 40) s.35.
(9),(10)	1894 s.656.
(11)	1993 Sch.4 para.47.

Status: This is the original version (as it was originally enacted).

<i>Provision</i>	<i>Derivation</i>
211(1)	Merchant Shipping (Mercantile Marine Fund) Act 1894 (c. 44) s.1(1); 1988 Sch.5.
(2)(a)	1894 s.658; 1988 Sch.5.
(b)	1898 <i>ibid.</i> s.2A(1); 1988 s.43.
(c)	1898 <i>ibid.</i> s.2B; 1988 s.43.
(d)	1898 <i>ibid.</i> s.2(3),(7), Sch.3.
(e)	Drafting.
(3)(a)	1898 <i>ibid.</i> s.1(2); 1988 Sch.5.
(b)	1898 <i>ibid.</i> s.2A(2); 1988 s.43.
(c)	Drafting.
(4),(5)	1894 s.679; 1993 Sch.4 para.53.
212	1894 s.659; Merchant Shipping (Amendment) Act 1920 (c. 2) s.1; 1988 Sch.5.
213	1894 s.660.
214	1898 s.1A(1); Superannuation Act 1972 (c. 11) s.17(1).
215	1894 s.662; 1988 s.42.
216	1894 s.662A; 1988 s.42.
217	1894 s.662B; 1988 s.42.
218	1894 s.664; 1993, Sch.4 para.49.
219(1), (2)	1894 s.666(1), (1A); 1993, Sch.4 para.50.
(3)	1894 s.666(2); 1979 s.43(1), Sch.6 Pt.III.
220(1),(2)	1894 s.667(1).
(3)	1894 s.667(2).
(4)	1894 s.667(3); 1979 Sch.6 Pt.VIII para.9.
(5),(6),(7)	1894 ss.667(4), 681(2); 1993 Sch.4 para.51.
(8)	1894 s.667(4A); 1993 Sch.4 para.51.
221(1),(2)	1894 s.731; 1988 Sch.5.
(3)	Ports Act 1991 (c. 52) s.36(2)(c).
(4),(5)	1894 s.721(b),(c).
222	1894 s.732.

Status: This is the original version (as it was originally enacted).

<i>Provision</i>	<i>Derivation</i>
223(1)	1894 s.742.
(2)	1894 s.638; 1993 Sch.4 para.37.
(3),(4)	1979 ss.34(3), 49(3).
224	1994 s.1.
225	1894 s.551.
226(1),(2)	1894 s.552(1),(2).
(3),(4)	1894 s.552(3),(4); 1993 Sch.4 para.30; 1994 Sch.2 para.1(3).
(5)	Drafting.
(6)	Drafting.
227	1894 s.553.
228(1) to (3)	1894 s.555(1); 1993 Sch.4 para.30.
(4)	1894 s.555(2).
(5)	1894 s.555(2A); 1994 Sch.2 para.1(4).
(6)	1894 s.555(2).
(7)	1894 s.555(3).
229(1)	1894 s.556; 1993 Sch.4 para.30.
(2)	1894 s.556; 1994 Sch.2 para.1(5).
(3)	1894 s.556.
(4)	Drafting.
230(1),(2)	Crown Proceedings Act 1947 (c. 44) s.8; 1994 Sch.2 para.3.
(3) to (5)	1894 s.557; Defence (Transfer of Functions) Act 1964 (c. 15) ss.1(2), 3(2).
(6)	Drafting.
(7)	Crown Proceedings Act 1947 s.38(2).
(8)	Crown Proceedings Order 1981 (SI 1981/233) art.30(1).
231(1)	1894 ss.511, 512, 513, 515.
(2)	1894 s.516(1); 1993 Sch.4 para.21.
(3), (4)	1894 s.516(2).
(5)	1894 s.511(1).
232	1894 ss.511, 680(1)(b).
233	1894 ss.512, 680(1)(b); 1993 Sch.4 para.2(5).

Status: This is the original version (as it was originally enacted).

<i>Provision</i>	<i>Derivation</i>
234(1) to (4)	1894 s.513(1).
(5),(6)	1894 s.513(2).
(7)	1894 s.513(3); 1982 CJ s.38(8).
235(1)	1894 s.515; Public Order Act 1986 (c. 64) s.10(1).
(2),(3)	1894 s.515, first paragraph.
(4)	1894 s.515, second paragraph; Local Government (Scotland) Act 1973 (c. 65) Sch.27 Pt.II para.24; 1993 Sch.4 para.20.
(5)	1894 s.515, third paragraph; Transfer of Functions (Criminal Injuries to Vessels) (Northern Ireland) Order 1973, SR&O (NI) 1973/56 art.3(1).
236(1) to (3)	1894 ss.518, 681(2); 1906 s.72, 1979 Sch.6 Pt.III; 1993 Sch.4 para.22.
(4)	1894 s.518(2); 1993 Sch.4 para.22(e).
237	1894 s.519; 1979 Sch.6 Pt.VI.
238	1894 s.520; 1993 Sch.4 para.23.
239(1)	1894 s.521(1).
(2),(3)	1894 s.521(2); Consular Conventions Act 1949 (c. 29) s.5(2).
240	1894 s.522; 1993 Sch.4 para.24.
241	1894 s.523.
242	1894 s.524; 1993 Sch.4 para.25.
243	1894 s.525; 1898 s.1(1)(a).
244	1894 s.527.
245	1894 s.535; Criminal Justice Act 1948 (c. 58) s.1; 1993 Sch.4 para.2(5).
246(1),(2)	1894 s.536(1).
(3)	1894 s.536(2).
(4)	1894 s.536(1).
(5)	1894 s.536(1),(2); 1979 Sch.6 Pt.II.
247	1894 s.537; 1993 Sch.4 para.28.
248	1894 s.566; 1993 Sch.4 para.31.
249	1894 s.567(1) to (3); 1993 Sch.4 para.32.
250	1894 s.568.

Status: This is the original version (as it was originally enacted).

<i>Provision</i>	<i>Derivation</i>
251	1894 s.569(2).
252(1),(2)	1894 s.530.
(3)	1894 s.532.
(4)	1894 s.530(c).
(5)	1894 s.530, proviso (1).
(6),(7),(8)	1894 s.530, proviso (2).
(9)	1894 s.532.
(10)	1894 s.534.
253(1)	1894 s.531(1).
(2) to (4)	1894 s.531(2) to (4); 1988 Sch.5.
254	1894 s.533.
255(1)	1894 ss.510,742.
(2)	Sea Fisheries Act 1968 (c. 77) s.17.
(3)	1894 s.570.
256(1)	1894 ss.728; 1971 POP s.18(1)(a),(b); 1993 Sch.4 paras.17(a), final limb, 56.
(2), (3), (4)	1894 ss.724(1); 1906 s.75(1).
(5)	1894 s.724(2); 1906 s.75(4).
(6), (7)	1984 s.7(1), (2).
(8)	1971 POP s.18(2); 1993 Sch.4 para.17(a).
(9)	1894 s.724(1); 1979 s.28(5); 1993 Sch.4 para.56(c).
257	1894 s.723; 1979 Sch.6 Pts.I, VI; 1993 Sch.4 para.6(1).
258(1), (2)	1970 s.76(1); 1979 s.37(5).
(3)	1970 s.76(2).
(4)	1970 s.76(3); S.I. 1989/102 reg.1(3)(b).
(5)	1970 s.76(4); 1979 Sch.6 Pt.IV.
259(1)	1979 s.27(1); 1971 POP s.18(3); 1984 s.7(3).
(2)	1979 s. 27(1); 1971 POP s.18(3); 1993 Sch.4 para.57.
(3)	1971 POP s.18(5).
(4)	1971 POP s.18(3)(b); 1979 s.28(7)(c).

Status: This is the original version (as it was originally enacted).

<i>Provision</i>	<i>Derivation</i>
(5)	1971 POP s.30(3); 1993 Sch.4 para.17(a),(d).
(6)	1971 POP s.18(6); 1993 Sch.4 para.17(b).
(7)	1971 POP s.18(7); 1979 s.27(2).
(8) to (12)	1979 s.27(3) to (7).
260	1979 s.28(1) to (4).
261	1984 ss.1,11, Sch.1.
262	1984 s.2; 1988 Sch.5.
263	1984 s.3.
264	1984 s.4; Courts and Legal Services Act 1990 (c. 41) Sch.10 para.55.
265	1984 s.5.
266	1984 s.6.
267	1988 s.33.
268(1), (2)	1970 ss.56(1), (1A); 1988 Sch.6.
(3)	1970 s.56(2); Magistrates' Courts Act 1980 (c. 43) Sch.7 para.90.
(4), (5)	1970 s.56(3), (4).
(6)	1970 s.59; 1979 s.43(1) Sch.6 Pt.II.
(7)	1970 s.60.
(8), (9), (10)	1970 s.56(5), (6), (6A); 1988 s.48, Sch.5.
(11)	1970 s.56(7); Magistrates' Courts Act 1980 (c. 43) Sch.7 para 90; Magistrates' Courts (Northern Ireland) Order 1981 (SI 1981/1675, Sch.6 Pt.I para.18).
269(1) to (4)	1970 s.57.
(5)	1970 s.60.
270	1970 s.58; 1988 Sch.6.
271(1)	1970 s.61(1).
(2),(3)	1970 s.61(1A), (1B); 1979 s.29(1).
(4)	1970 s.61(2); 1979 s.28(7)(b).
(5)	1970 s.61(3); 1979 s.29(2).
(6)	1970 s.61(4); Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 (c. 14) Sch.1 para.1.

Status: This is the original version (as it was originally enacted).

<i>Provision</i>	<i>Derivation</i>
272	1970 s.95(1), Sch.2, Pt.I para.5; 1979 s.28(7)(b).
273	1979 s.30(2).
274(1),(2)	1894 s.683(1); 1971 POP s.19(4); 1979 s.42(1), 1993 Sch.4 para.59.
(3),(4)	1979 s.42(2), (3).
(5)	1979 s.42(5).
275	1894 s.683(2); 1993 Sch.4 para.59.
276	1894 s.703(b); 1979 Sch.6 Pt.VII para.14.
277	1894 s.687A; 1993 Sch.4 para.63.
278	1894 s.687B; 1993 Sch.4 para.63.
279	1894 s.684; 1971 POP s.19(5); 1993 Sch.4 para.60.
280	1894 s.685.
281	1894 s.686(1); 1993 Sch.4 para.61.
282	1894 s.687; 1993 Sch.4 para.62.
283(1),(2)	1894 s.689(1); 1970 Sch.3 para.2.
(3) to (5)	1894 s.689(2); 1993 Sch.4 para.64.
(6)	1894 s.689(3).
(7)	1894 s.689(4); 1979 Sch.6 Pt.IV.
(8)	1894 s.689 (5).
(9)	1894 s.689(2),(4).
284(1) to (3)	1894 s.692(1); 1979, Sch.6 Pt.VII para.10.
(4), (5)	1894 s.692(2); 1979, Sch.6 Pt.VII para.11.
(6), (7)	1894 s.692(3), (4).
(8)	1894 s.692(5); 1988 Sch.6.
285	1894 s.693; 1993 Sch.4 para.65.
286(1),(2)	1894 s.691(1),(2).
(3)	1894 s.691(3).
(4)	1894 s.691(1).
(5)	1894 s.691(4) part.
287	1894 s.256(1); 1970 s.75.
288(1)	1894 s.695(1) 1970 Sch.3 para.3.

Status: This is the original version (as it was originally enacted).

<i>Provision</i>	<i>Derivation</i>
(2),(3)	1894 s.695(2); 1970 Sch.3 para.3; Merchant Shipping Act (Safety Conventions) 1949 (c. 43) s.33(2), Sch.2; 1993 Sch.4 para.67(a).
(4)	1894 s.695(2)(b); 1949 <i>ibid</i> , 1993 Sch.4 para.67(a).
(5)	1894 ss.695(3), 680(1)(a); 1993 Sch.4 para.67(b).
(6),(7)	1894 s.695(4),(5); 1993 Sch.4 para.72.
(8)	1894 s.695(3A); 1993 Sch.4 para.67(c).
289	1970 s.75A; 1988 Sch.5.
290(1),(2)	1894 s.697.
(3)	1894 s.697(2); 1993 Sch.4 para.69.
291	1894 s.696; 1993 s.9(3), Sch.4 para.68.
292(1)	1894 s.713.
(2)	1894 s.717.
293	1994 s.8.
294	1906 s.78.
295(1) to (3)	1970 s.80(1).
(4)	1970 s.80(2).
(5)	1993 s.1(3).
296	1970 s.81.
297(1)	1970 s.82(1).
(2)	1970 s.82(1A); Judicial Pensions and Retirement Act 1993 (c. 8) Sch.6 para.59.
(3)	1970 s.82(2).
(4),(5)	1970 s.83.
298	1894 s.256(1).
299(1),(2)	1894 s.714.
(3)	1894 s.715.
(4) to (6)	1894 s.726; 1979 Sch.6 Pt.II.
300(1) to (6)	1894 s.720.
(7)	1894 s.722(2)(b); 1979 Sch.6 Pt.I.
(8)	1894 s.722 (1); 1993 Sch.4 para.73.
301	1906 s.79.

Status: This is the original version (as it was originally enacted).

<i>Provision</i>	<i>Derivation</i>
302(1),(3)	1993 Sch.4 para.79.
(2)	Merchant Shipping (Safety Convention) Act 1949 (c. 43) s.33(2), Sch.2 (1894 s.83).
303	1894 s.718; 1898 s.1(1)(b).
304(1)(a)	1894 s.662B; 1970 s.98(1); 1970 FV s.10; 1971 POP s.28(1); 1979 ss.23(1)(f), 51(1); 1984 s.10; 1988 s.55(1).
(b)	1894 s.677(1)(b),(d); 1988 Sch.5.
(c)	Merchant Shipping (Safety Conventions) Act 1949 (c. 43) s.25.
(d)	1894 s.677(1)(g).
(e)	1894 s.677(1)(f).
(f)	1894 s.677(1)(h).
(g)	1894 s.677(1)(l); Merchant Shipping Repeal Act 1854 (c. 120) s.7.
(h)	1894 s.677(1)(o); 1988 Sch.5.
(2)	1949 <i>ibid</i> ; Merchant Shipping (Safety Convention) Act 1977 (c. 24) s.1(2).
305(1)(a)	1894 s.676(1)(a); 1988 Sch.5.
(b)	1894 s.676 (1)(h).
(c)	1894 s.676(1)(l); 1988 Sch.5.
(2)	1894 s.676(2).
306	1894 s.739(1); Merchant Shipping (Load Lines) Act 1967(c. 27) s.30(3); 1970 s.99; 1970 FV s.7; 1971 POP s.27; 1974 s.17(2); 1979 ss.23(4), 41(2), 49; Safety at Sea Act 1986 (c. 23) s.9(2), (3); 1988 s.53(1); 1993 Sch.4 para.1(2).
307	1993 Sch.4 para.5.
308	1894 s.738(2), s.741; 1906 s.80; 1993 Sch.2 para.3.
309	1988 s.47; 1993 Sch.2 para.15(3).
310	1970 Sch.3 para.13; 1971 s.17; 1971 POP s.31; 1979 s.48; 1984 s.9; 1988 s.49.
311	1979 s.41(1).
312(1)	1894 s.710; 1993 Sch.4 para.76.
(2)	1911 MC s.5.

Status: This is the original version (as it was originally enacted).

<i>Provision</i>	<i>Derivation</i>
313	1894 s.742; 1993, Sch.4 para.2(1),(2).
314(1) to (3)	—
(4)	1993 s.10(6).
315(2) to (5)	1993 s.9(3), Sch.4 para.4(1) to (5).
316	—
Sch. 1	1993 s.6(1), Sch.1.
Sch. 2	1974 s.17(3), Sch.5; 1979 Sch.6 Pt.VI para.20.
Sch. 3	Merchant Shipping (Load Lines) Act 1967 (c. 27)
paras.1,2	ss.1,2.
3	s.3; 1979 Sch.6 Pt.V, 1993 Sch.4 para.12(6).
4	s.4; 1979 Sch.6 Pt.V, Pt.VII para.7.
5	s.5; 1979 Sch.6 Pt.IV.
6 to 9	ss.6 to 9.
10	s.10; 1970 Sch.3 para.12.
11	s.11(1).
12	s.12.
13	s.13; 1979 Sch.6 Pt.V, 1993 Sch.4 para.12(6).
14 to 16	ss.14 to 16.
17	s.17; 1993 Sch.4 para.12(6).
18 to 22	ss.18 to 22.
23	s.23; 1995 SC reg.1(7).
24	s.24; 1979 Sch.6 Pt.IV.
25	s.27(1).
26	s.27(3); 1894 s.280(1), (2).
27	s.27(3); 1894 s.282.
28	s.27(5).
29	s.31.
30	s.30(1).
31	s.32(1) to (7).
Sch. 4	
Chap. III	

Status: This is the original version (as it was originally enacted).

<i>Provision</i>	<i>Derivation</i>
152	1971 s.19.
153	1971 s.1.
154	1971 s.1A; 1994 Sch.3 Pt.I para.1.
155	1971 s.2.
155A	1971 s.2A; 1994 Sch.3 Pt.I para.2.
156	1971 s.3.
156A	1971 s.3A; 1994 Sch.3 Pt.I para.3.
157	1971 s.4; 1979 s.38(1)(a),(b); 1984 s.12(2).
158	1971 s.5; 1979 s.38(2); 1979 Sch.5 para.6(1).
159	1971 s.6.
160	1971 s.7; 1979 Sch.5 para.6(1).
161	1971 s.8.
162	1971 s.9; 1994 Sch.3 Pt.I para.4.
163	1971 s.10; 1979 s.38(3).
164	1971 s.11; 1979 s.38(3).
165	1971 s.12.
166	1971 s.13; Supreme Court Act 1981 (c. 54) Sch.5.
167	1971 s.14; 1979 s.38(3).
168	1971 s.15(2); 1979 Sch.5 para.6(2); 1994 Sch.3 Pt.I para.5.
169	1971 s.16.
170	1971 s.20; 1994 Sch.3 Pt.I para.6.
Chap. IV	
172	1974 s.1(1),(2).
173	1974 s.2; 1979 s.38(4)(b); 1982 CJ s.38(9), Companies Consolidation (Consequential Provisions) Act 1985 (c. 9) Sch.2, Companies Consolidation (Consequential Provisions) Order 1986 (SI 1986/1035 (N.I.9)), Sch.1 Pt.II.
174	1974 s.3; 1979 Sch.6 Pt.IV; 1979 Sch.6 Pt.VI para.18.
175	1974 s.4(4) to (9)
176	1974 s.4(10) to (13); 1979 s.38(4)(b), (c).

Status: This is the original version (as it was originally enacted).

<i>Provision</i>	<i>Derivation</i>
176A	1974 s.5; 1979 s.38(4)(d),(e).
177	1974 s.6; 1979 s.38(4)(b); Supreme Court Act 1981 (c. 54) Sch.5.
178	1974 s.7.
179	1974 s.8; 1994 s.7(1).
181	1974 ss.1(3),(4),(5), 23(2).
Sch. 5	
Part I	1974 Sch.1; 1988 Sch.4 Pt.II para.24; 1994 s.5(2)(a).
Part II	1974 Sch.1; 1979 s.38(4)(g).
Sch. 6	
Part I	1979 Sch.3 Pts.I, III.
Part II	1979 Sch.3 Pts.II, III.
Sch. 7	
Part I	1979 Sch.4, Pt.I.
Part II	1979 s.49(5), Sch.4, Pt.II; 1995 SC reg.1(8).
Sch. 8	1894 s.668; 1974 s.18, 1979 s.33(2), Local Government (Scotland) Act 1994 (c. 39) Sch.13 para.7.
Sch. 9	Ports Act 1991 (c. 52) s.32.
Sch. 10	Harbours Act 1964 (c. 40) s.35.
Sch. 11	
Part I	1994 Sch.1, Pt.I.
Part II	1994 Sch.1, Pt.II.
Sch. 12	—
Sch. 13	—
Sch. 14	
para.2	1993 s.9(4).
3	Merchant Shipping Act 1948 (c. 44) s.5.
4	1979 s.37(2),(3).
7	1993 Sch.5; saving.
8	1979 s.38(6).
9	1894 s.669; 1979 s.36(3).
10	1894 s.571.
11	1894 s.745(1)(f).