



# Merchant Shipping Act 1979

## 1979 CHAPTER 39

### *Liability of shipowners and salvors*

#### **17 Limitation of liability**

- (1) The provisions of the Convention on Limitation of Liability for Maritime Claims 1976 as set out in Part I of Schedule 4 to this Act (hereafter in this section and in Part II of that Schedule referred to as " the Convention ") shall have the force of law in the United Kingdom.
- (2) The provisions of Part II of that Schedule shall have effect in connection with the Convention, and the preceding subsection shall have effect subject to the provisions of that Part.

#### **18 Exclusion of liability**

- (1) Subject to subsection (3) of this section, the owner of a British ship shall not be liable for any loss or damage in the following cases, namely—
  - (a) where any property on board the ship is lost or damaged by reason of fire on board the ship ; or
  - (b) where any gold, silver, watches, jewels or precious stones on board the ship are lost or damaged by reason of theft, robbery or other dishonest conduct and their nature and value were not at the time of shipment declared by their owner or shipper to the owner or master of the ship in the bill of lading or otherwise in writing.
- (2) Subject to subsection (3) of this section, where the loss or damage arises from anything done or omitted by any person in his capacity as master or member of the crew or (otherwise than in that capacity) in the course of his employment as a servant of the owner of the ship, the preceding subsection shall also exclude the liability of—
  - (a) the master, member of the crew or servant; and
  - (b) in a case where the master or member of the crew is the servant of a person whose liability would not be excluded by that subsection apart from this paragraph, the person whose servant he is.

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*Status: This is the original version (as it was originally enacted).*

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- (3) This section does not exclude the liability of any person for any loss or damage resulting from any such personal act or omission of his as is mentioned in article 4 of the Convention in Part I of Schedule 4 to this Act.
- (4) In this section "owner", in relation to a ship, includes any part owner and any charterer, manager or operator of the ship.

## **19 Provisions supplementary to ss. 17 and 18**

- (1) The enactments mentioned in Schedule 5 to this Act shall have effect with the amendments there specified (which are consequential on sections 17 and 18 of this Act).
- (2) Her Majesty may by Order in Council provide that the said sections 17 and 18, the preceding subsection and Schedules 4 and 5 to this Act shall extend, with such modifications, if any, as are specified in the Order, to any of the following countries, namely—
  - (a) the Isle of Man ;
  - (b) any of the Channel Islands ;
  - (c) any colony;
  - (d) any country outside Her Majesty's dominions in which Her Majesty has jurisdiction in right of the government of the United Kingdom.
- (3) Any statutory instrument made by virtue of the preceding subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Nothing in the said sections 17 and 18 or the said Schedule 4 shall apply in relation to any liability arising out of an occurrence which took place before the coming into force of those sections, and subsection (1) of this section and Schedule 5 to this Act shall not affect the operation of any enactment in relation to such an occurrence.