
DRAFT STATUTORY INSTRUMENTS

1998 No.

MERCHANT SHIPPING

The Merchant Shipping (Convention on Limitation of Liability for Maritime Claims) (Amendment) Order 1998

Made - - - - 1998

Coming into force in accordance with Article 1

THE MERCHANT SHIPPING (CONVENTION ON LIMITATION OF LIABILITY FOR MARITIME CLAIMS) (AMENDMENT) ORDER 1998

1. Citation and commencement
2. Interpretation
3. Claims excepted from limitation
4. Limits of Liability
5. Scope of application of Convention
6. Reservations permitted under the Convention
7. Amendments to provisions which have effect in connection with the Convention
8. The Schedule to this Order contains the text of Schedule...
Signature

SCHEDULE — **SCHEDULE 7 TO THE MERCHANT SHIPPING ACT 1995 AS AMENDED**

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...
2. The term “shipowner” shall mean the owner, charterer, manager or...

3. Salvor shall mean any person rendering services in direct connection...
4. If any claims set out in Article 2 are made...
5. In this Convention the liability of a shipowner shall include...
6. An insurer of liability for claims subject to limitation accordance...
7. The act of invoking limitation of liability shall not constitute...

ARTICLE 2

Claims subject to limitation

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

ARTICLE 3

Claims excepted from limitation

ARTICLE 4

Conduct barring Limitation

ARTICLE 5

Counterclaims

CHAPTER II.

LIMITS OF LIABILITY

ARTICLE 6

The general limits

1. The limits of liability for claims other than those mentioned...
2. Where the amount calculated in accordance with paragraph 1(a) is...
3. The limits of liability for any salvor not operating from...

ARTICLE 7

The limit for passenger claims

1. In respect of claims arising on any distinct occasion for...
2. For the purpose of this Article "claims for loss of...

ARTICLE 8

Unit of Account

ARTICLE 9

Aggregation of claims

1. The limits of liability determined in accordance with Article 6...
2. The limits of liability determined in accordance with Article 7...

ARTICLE 10

Limitation of liability without constitution of a limitation fund

1. Limitation of liability may be invoked notwithstanding that a limitation...
2. If limitation of liability is invoked without the constitution of...
3. Questions of procedure arising under the rules of this Article...

CHAPTER III.

THE LIMITATION FUND

ARTICLE 11

Constitution of the Fund

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

ARTICLE 12

Distribution of the fund

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

ARTICLE 13

Bar to other actions

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

ARTICLE 14

Governing law

CHAPTER IV.

SCOPE OF APPLICATION

ARTICLE 15

1. This Convention shall apply whenever any person referred to in...
2. A State Party may regulate by specific provisions of national...
- 3bis Notwithstanding the limit of liability prescribed in paragraph 1 of...

ARTICLE 18

Reservations

1. Any State may, at the time of signature, ratification, acceptance,...
- PART II — PROVISIONS HAVING EFFECT IN CONNECTION WITH
CONVENTION

Interpretation

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

Right to limit liability

2. Subject to paragraph 6 below, the right to limit liability...

Claims subject to limitation

- 2A Paragraph 1(a) of article 2 shall have effect as if...
3. (1) Paragraph 1(d) of article 2 shall not apply unless...

Claims excluded from limitation

4. (1) Claims for damage within the meaning of the International...

The general limits

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

Limit for passenger claims

6. (1) Article 7 shall not apply in respect of any...

Units of Account

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

Constitution of fund

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

Distribution of fund

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

Bar to other actions

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

Meaning of "court"

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

Meaning of "ship"

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

Meaning of "State Party"

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

Document Generated: 2023-05-12

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Merchant Shipping (Convention on Limitation of Liability for Maritime Claims) (Amendment) Order 1998 No. 1258*

Explanatory Note