



# Merchant Shipping Act 1974

## 1974 CHAPTER 43

### PART V

#### MISCELLANEOUS AND SUPPLEMENTAL

#### 18 Commissioners of Northern Lighthouses.

- (1) Section 668 of the <sup>M1</sup>Merchant Shipping Act 1894 (constitution of Commissioners of Northern Lighthouses) shall be amended as follows.
- (2) After paragraph (d) of subsection (1) there shall be inserted—

“(dd) a person nominated by the Lieutenant-Governor of the Isle of Man and appointed by the Secretary of State”.
- (3) At the end of the said section 668 there shall be added—

“(4) The Commissioners may elect, as members of their body, not more than four other persons.

(5) A person appointed by the Secretary of State under subsection (1) (dd) above, or a person appointed by the Commissioners under subsection (4) above, shall hold office for three years, but shall be eligible for re-appointment.”

#### Modifications etc. (not altering text)

- C1** The text of S. 18 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

- M1** 1894 c. 60.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1974, Part V. (See end of Document for details)*

## 19 Offences by seamen.

- (1) The <sup>M2</sup>Merchant Shipping Act 1970 shall be amended in accordance with the following provisions of this section.
- (2) In section 27 (which creates an offence in relation to misconduct endangering a ship or persons on board, punishable on summary conviction with a fine not exceeding £200) for the words “£200” there shall be substituted the words “£400”.
- (3) Section 29 (which makes it an offence wilfully to disobey a lawful command relating to, or likely to affect, the operation of a ship or of its equipment) and section 31 (which makes it an offence in certain circumstances for a seaman to be absent without leave at the time of sailing) are hereby repealed.
- (4) In section 30 (continued or concerted disobedience, neglect of duty, etc.) for the words from the beginning of paragraph 9c0 to the end there shall be substituted:—
  - “(c) combines with other seamen employed in that ship—
    - (i) to disobey lawful commands which are required to be obeyed at a time while the ship is at sea ;
    - (ii) to neglect any duty which is required to be discharged at such a time ; or
    - (iii) to impede, at such a time, the progress of a voyage or the navigation of the ship,
 he shall be liable on summary conviction to a fine not exceeding £100.

For the purposes of this section a ship shall be treated as being at sea at any time when it is not securely moored in a safe berth. ”

- (5) In section 34(2) (which imposes a limit of £10 on the amount of any fine which may be imposed on a seaman for a “disciplinary offence”) for the words “£10” there shall be substituted the words “£20”.
- (6) The following provisions referring to sections repealed by subsection (3) above shall be amended, that is to say—
  - (a) in section 32 the words “29” shall be omitted;
  - (b) in paragraph 2 of Schedule 2 the words “29”, in both places, and the words “or 31” shall be omitted;
  - (c) in section 95(1)(a) for the words “29 to” there shall be substituted the words “30 and”.

### Modifications etc. (not altering text)

- C2** The text of S. 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### Marginal Citations

- M2** 1970 c. 36.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1974, Part V. (See end of Document for details)*

## *Supplemental*

### **20 Extension to British possessions etc.**

- (1) Her Majesty may by Order in Council direct that specified provisions of this Act shall extend, subject to specified exceptions, modifications or adaptations, to any of the following countries, that is to say—
  - (a) the Isle of Man;
  - (b) any of the Channel Islands;
  - (c) any colony other than one for whose external relations a country other than the United Kingdom is responsible;
  - (d) any country outside Her Majesty's dominions in which Her Majesty has jurisdiction in right of Her Majesty's Government in the United Kingdom.
- (2) In respect of any country falling within any of paragraphs (a) to (d) of subsection (1) above, Her Majesty may by Order in Council, specifying that country, direct that, with specified exceptions, adaptations or modifications, specified provisions of this Act shall have effect as if references therein to the United Kingdom included references to that country.
- (3) In subsections (1) and (2) above “specified” means specified by an Order under this section.
- (4) Any Order made under subsection (2) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### **Modifications etc. (not altering text)**

C3 S. 20 explained by [Merchant Shipping Act 1979 \(c. 39\)](#), [s. 38\(5\)](#)

### **21 Financial provisions.**

Any sum received by a Minister under this Act shall be paid into the Consolidated Fund.

### **22 Offences by bodies corporate.**

Where an offence under this Act, or under regulations made under any of its provisions, which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

In this section “director”, in relation to a body corporate established by or under any enactment for the purpose of carrying on under public ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

*Status: Point in time view as at 01/02/1991.*

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## 23 Construction and interpretation.

- (1) This Act shall be construed as one with the Merchant Shipping Acts 1894 to 1971, and without prejudice to the generality of this provision, references in those Acts to the Merchant Shipping Acts shall be construed as including references to this Act.
- (2) References in this Act to the area of any country include the territorial sea of that country, and references to pollution damage in the United Kingdom shall be construed accordingly.
- (3) It is hereby declared that any power to give directions conferred by this Act includes a power to vary or revoke directions so given.
- (4) Except so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended or extended by or under any other enactment.

## 23 Construction and interpretation. **U.K.**

- (1) This Act shall be construed as one with the Merchant Shipping Acts 1894 to 1971, and without prejudice to the generality of this provision, references in those Acts to the Merchant Shipping Acts shall be construed as including references to this Act.
- (2) References in this Act to the area of any country include the territorial sea of that country [<sup>F2</sup>, and references to pollution damage in the United Kingdom shall be construed accordingly.]
- (3) It is hereby declared that any power to give directions conferred by this Act includes a power to vary or revoke directions so given.
- (4) Except so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended or extended by or under any other enactment.

### Textual Amendments

- F2** Words repealed (*prosp.*) by [Merchant Shipping Act 1988 \(c. 12, SIF 111\)](#), ss. 34, 57(5), 58(2), [Sch. 4 Pt. II para. 23](#), [Sch. 7](#), (with s. 58(4), Sch. 8 para. 1) (which (*prosp.*) substitution fell (1.5.1994) by the repeal of [1988 c. 12, s. 34](#), [Sch. 4](#) by [1993 c. 22, s. 8\(4\)](#), [Sch. 5 Pt.II](#); [S.I. 1993/3137](#), art. 3(2), [Sch.2](#))

## 24 Citation, commencement, repeals and extent.

- (1) This Act may be cited as the Merchant Shipping Act 1974; and this Act and the Merchant Shipping Acts 1894 to 1971 may be cited together as the Merchant Shipping Acts 1894 to 1974.
- (2) This Act shall come into force on such day as the Secretary of State may appoint by order made by statutory instrument; and different days may be appointed for different provisions, or for different purposes.
- (3) An order under subsection (2) above may make such transitional provision as appears to the Secretary of State to be necessary or expedient in connection with the provisions thereby brought into force, including such adaptations of those provisions, or any provisions of this Act then in force, as appear to him to be necessary or expedient

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in consequence of the partial operation of this Act (whether before or after the day appointed by the order).

(4) ..... F1

(5) This Act extends to Northern Ireland.

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**Textual Amendments**

**F1** [S. 24\(4\)](#) repealed by [Statute Law Repeals Act 1986 \(c. 12\)](#), s. 1(1), [Sch. 1 Pt. XI](#)

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**Modifications etc. (not altering text)**

**C4** Power of appointment conferred by s. 24(2) partly exercised by [S.I. 1974/1792](#), 1975/866, 1978/1466, 1979/808: unrepealed provisions of Act wholly in force

**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

There are currently no known outstanding effects for the Merchant Shipping Act 1974, Part V.