

Merchant Shipping Act 1974

1974 CHAPTER 43

PART III

PROTECTION OF SHIPPING AND TRADING INTERESTS

14 Foreign action affecting shipping

- (1) The Secretary of State may exercise the powers conferred by this section if he is satisfied that a foreign government, or any agency or authority of a foreign government, have adopted, or propose to adopt, measures or practices concerning or affecting the carriage of goods by sea which—
 - (a) are damaging or threaten to damage the shipping or trading interests of the United Kingdom, or
 - (b) are damaging or threaten to damage the shipping or trading interests of another country, and the Secretary of State is satisfied that action under this section would be in fulfilment of the international obligations of Her Majesty's Government to that other country.
- (2) The Secretary of State may by order make provision for requiring persons in the United Kingdom carrying on any trade or business to provide the Secretary of State with all such information as he may require for the purpose of enabling him—
 - (a) to determine what further action to take under this section, and
 - (b) to ensure compliance with any orders or directions made or given under this section.
- (3) The Secretary of State may by order provide for—
 - (a) regulating the carriage of goods in ships and the rates which may or must be charged for carrying them;
 - (b) regulating the admission and departure of ships to and from United Kingdom ports, the cargoes they may carry, and the loading or unloading of cargoes;
 - (c) regulating the making and implementation of agreements (including charterparties) whose subject matter relates directly or indirectly to the carriage of goods by sea, and requiring such agreements to be subject to the Secretary of State's approval in such cases as he may specify;

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- (d) imposing charges in respect of ships which enter United Kingdom ports to load or unload cargo.
- (4) In a case falling within subsection (1)(a) above, an order under subsection (3) above shall specify the measures or practices which in the opinion of the Secretary of State are damaging or threaten to damage shipping or trading interests of the United Kingdom.
- (5) An order under this section may authorise the Secretary of State to give directions to any person for the purposes of the order:

Provided that this subsection shall not apply for the purpose of recovering charges imposed under subsection (3)(d) above.

- (6) Any order or direction made or given under this section—
 - (a) may be either general or special, and may be subject to such conditions or exceptions as the Secretary of State specifies (including conditions and exceptions operating by reference to the giving or withholding of his approval for any course of action);
 - (b) may be in terms that require compliance either generally or only in specified cases;
 - (c) may be varied or revoked by a subsequent order, or as the case may be, a subsequent direction, so made or given,

and an order made pursuant to this section shall be contained in a statutory instrument.

- (7) Before the Secretary of State makes an order under this section he shall consult such representatives of the shipping or trading interests of the United Kingdom, and such other persons, as appear to him appropriate.
- (8) 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, he shall, 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,

be liable on summary conviction to a fine not exceeding £400.

- (9) A person who—
 - (a) refuses or wilfully neglects to furnish any information which he is required to furnish under this section, or
 - (b) in furnishing any such information 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 on summary conviction to a fine not exceeding £400.

- (10) A person who wilfully contravenes or fails to comply with any provision of an order or direction made or given pursuant to this section, other than a provision requiring him to give any information, shall be liable—
 - (a) on summary conviction to a fine of not more than £5,000;
 - (b) on conviction on indictment to a fine;

and where the order or direction requires anything to be done, or not to be done, by, to or on a ship, and the requirement is not complied with, the owner and master of

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- the ship are each to be regarded as wilfully failing to comply, without prejudice to the liability of anyone else.
- (11) In this section "foreign government" means the government of any country outside the United Kingdom; and references to ships are to ships of any registration.
- (12) Schedule 4 to this Act shall have effect for supplementing this section, which in that Schedule is called "the principal section".