



Merchant Shipping Act 1979

1979 CHAPTER 39

The Pilotage Commission

1 Constitution of Commission

- (1) There shall be a body corporate, to be called the Pilotage Commission (and hereafter in this Act referred to as " the Commission "), which shall be constituted in accordance with the following provisions of this section.
- (2) The Commission shall consist of not less than ten and not more than fifteen persons appointed by the Secretary of State from among the following, namely—
 - (a) licensed pilots;
 - (b) persons appearing to the Secretary of State to have wide practical experience of the management of ships ;
 - (c) persons appearing to the Secretary of State to have wide practical experience of the administration of pilotage services;
 - (d) persons appearing to the Secretary of State to have wide practical experience of the management of docks or harbours;
 - (e) other persons appearing to the Secretary of State to have special knowledge or experience likely to be of value to the Commission in connection with the performance of its functions ;

and it shall be the duty of the Secretary of State to appoint as members of the Commission at least one person from each of the categories of persons mentioned in paragraphs (a) to (d) of this subsection and to appoint one member to be the chairman of the Commission.

- (3) It shall be the duty of the Secretary of State—
 - (a) before appointing as a member a person in any category of persons which is mentioned in paragraphs (a) to (d) of subsection (2) of this section, to consult on the appointment such persons as the Secretary of State considers are representative of the persons in the United Kingdom in the category in question;
 - (b) before appointing as a member a person in the category of persons which is mentioned in paragraph (e) of that subsection, to consult on the appointment—

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- (i) such persons as the Secretary of State considers are representative of the persons in the United Kingdom in all the categories of persons mentioned in the said paragraphs (a) to (d), and
 - (ii) such other persons, if any, as he considers appropriate;
 - (c) before appointing a member to be the chairman of the Commission, to consult on the appointment such persons as the Secretary of State considers are representative of the persons in the United Kingdom in all the categories of persons mentioned in the said paragraphs (a) to (d).
- (4) The provisions of Schedule 1 to this Act shall have effect with respect to the Commission.
- (5) It is hereby declared that the Commission is not to be regarded as the servant or agent of the Crown or as enjoying any status, privilege or immunity of the Crown or as exempt from any tax, duty, rate, levy or other charge whatsoever, whether general or local, and that its property is not to be regarded as property of or held on behalf of the Crown.
- (6) In Part II of Schedule 1 to the House of Commons Disqualification Act 1975, after the entry relating to the Performing Right Tribunal there shall be inserted the words " The Pilotage Commission " ; and in Part II of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975, after the entry relating to the said Tribunal there shall be inserted the words aforesaid.

2 Payments by pilotage authorities to Commission

- (1) The Commission may make a scheme or schemes requiring pilotage authorities to pay to the Commission from time to time, in respect of the expenses of the Commission in performing its functions, such sums as are determined under the scheme or schemes ; and such a scheme—
- (a) may provide for the payment of different sums by different authorities;
 - (b) must contain provision requiring the Commission to indicate how the sums to be payable under the scheme for periods determined under it are related to the Commission's estimates of its expenditure during those periods;
 - (c) may be revoked or varied by a subsequent scheme made by virtue of this subsection ;
- but a scheme made by virtue of this subsection shall not come into force unless it has been confirmed by the Secretary of State.
- (2) It shall be the duty of the Commission, immediately after it has submitted such a scheme to the Secretary of State for confirmation—
- (a) to send a copy of the scheme to each pilotage authority by which sums are to be payable under the scheme; and
 - (b) to publish in a manner approved by the Secretary of State a notice which—
 - (i) states that the scheme has been so submitted, and
 - (ii) specifies a place where a copy of the scheme may be obtained free of charge by any licensed pilot, any harbour authority and any shipowner, and
 - (iii) states that any person mentioned in paragraph (a) or sub-paragraph (ii) above and any person appearing to the Secretary of State to represent any persons so mentioned may, within a period specified in the notice of not less than 42 days beginning with the date of first publication of

the notice, object to the scheme by giving to the Secretary of State a statement in writing setting out his objections to the scheme and the reasons for the objections.

- (3) The Secretary of State may, after considering any statement of objections and of reasons for objections to a scheme which is given to him by a person and within the period mentioned in paragraph (b)(iii) of the preceding subsection, by order confirm the scheme either without modification or, after consulting the Commission about any modifications he proposes to make to the scheme, with such modifications as he thinks fit; but the Secretary of State shall not have power to make a modification of a scheme which would increase the amount of any sum payable in pursuance of the scheme.
- (4) Any sum payable to the Commission by a pilotage authority in pursuance of a scheme made by virtue of this section may be recovered by the Commission in any court of competent jurisdiction.

3 Other financial provisions relating to Commission

- (1) The Commission may borrow in sterling any sum which it requires for the purpose of carrying out its functions, but the aggregate amount of the principal of sums borrowed by the Commission which is outstanding at any time shall not exceed £200,000 or such larger amount, not exceeding £500,000, as the Secretary of State may specify by order.
- (2) The Secretary of State may out of money provided by Parliament lend to the Commission, with the consent of the Treasury and on such terms as he may determine with the consent of the Treasury, any sum which the Commission has power to borrow in pursuance of the preceding subsection ; and any sum received by the Secretary of State by way of interest on or the payment of a loan made by virtue of this subsection shall be paid into the Consolidated Fund.
- (3) It shall be the duty of the Commission—
 - (a) to keep proper accounts and proper records in relation to the accounts ; and
 - (b) to prepare in respect of the period of 12 months ending with the 31st March in each year a statement of those accounts in such form as the Secretary of State may direct with the approval of the Treasury ; and
 - (c) to cause the accounts kept and the statement prepared for each such period to be audited by auditors appointed by the Commission with the approval of the Secretary of State.
- (4) A person shall not be qualified to be appointed as an auditor in pursuance of the preceding subsection unless he is a member of one or more of the following bodies—
 - the Institute of Chartered Accountants in England and Wales;
 - the Institute of Chartered Accountants of Scotland ;
 - the Association of Certified Accountants ;
 - the Institute of Chartered Accountants in Ireland ;
 - any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of section 161(1)(a) of the Companies Act 1948 by the Secretary of State;but a Scottish firm may be so appointed if each of the partners in the firm is qualified to be so appointed.

4 Functions of Commission

- (1) It shall be the duty of the Commission to give to the Secretary of State, and to pilotage authorities, dock and harbour authorities, pilots and shipowners, such advice as the Commission considers appropriate for any of the following purposes, namely—
 - (a) securing by means of pilotage the safety of navigation in ports of and waters off the coasts of the United Kingdom ;
 - (b) ensuring that efficient pilotage services are provided for those ports and waters and, in particular, that suitable equipment is provided in connection with those services;
 - (c) ensuring that the terms of service of pilots providing those services are fair ; and
 - (d) promoting standards, in the qualifications which entitle persons to apply for pilots' licences and in the training of pilots, which are uniform for areas which the Commission considers are of the same kind.
- (2) The Secretary of State may by order confer on the Commission such functions, in addition to the functions conferred on the Commission by this Act, as he considers appropriate for any of the purposes mentioned in the preceding subsection.
- (3) Without prejudice to the generality of the preceding subsection, an order in pursuance of that subsection may in particular provide for the making of schemes under which payments may be made by the Commission for the purpose of compensating pilots and their assistants for loss of employment or reductions in earnings suffered by them in consequence of changes in the organisation of pilotage services or of the granting of pilotage certificates to nationals of member States of the Economic Community other than the United Kingdom.
- (4) The Commission shall have power to do anything which is calculated to facilitate, or is conducive or incidental to, the performance of any of its functions.

5 Annual report

It shall be the duty of the Commission—

- (a) to prepare and publish, as soon as possible after the 31st March in each year, a report on the performance of its functions during the period of 12 months ending with that date;
- (b) to include in the report a copy of the statement of accounts prepared in respect of that period in pursuance of section 3(3)(b) of this Act and a copy of the auditors' report on the statement and on the accounts to which the statement relates ; and
- (c) to deliver a copy of the report to the Secretary of State before it is published ; and it shall be the duty of the Secretary of State to lay before Parliament copies of each report of which he receives a copy in pursuance of this section.

Other provisions relating to pilotage

6 Review of pilotage services and non-compulsory pilotage areas

- (1) It shall be the duty of the Commission—
 - (a) to keep under consideration the organisation of pilotage services at ports in and waters off the coasts of the United Kingdom, to consider suggestions

- for changes in the organisation of those services which are made to the Commission by persons appearing to the Commission to be interested in the organisation of them and to make proposals for such changes in the organisation of those services as the Commission considers appropriate;
- (b) without prejudice to the generality of the preceding paragraph, to consider what numbers of pilots are needed in order to provide efficient pilotage services in pilotage districts and to make to the pilotage authorities concerned such recommendations about the numbers as the Commission considers appropriate ; and
 - (c) to carry out such investigations as the Commission considers appropriate in order to ascertain whether pilotage should be made compulsory at places in or off the coasts of the United Kingdom where it is not compulsory and to make proposals for pilotage to be made compulsory at such places as the Commission considers appropriate in consequence of the investigations.
- (2) Accordingly sections 1 and 2 of the Pilotage Act 1913 (which among other things provide for the Secretary of State to initiate changes in the organisation of pilotage services and changes in byelaws to achieve uniformity of administration) shall cease to have effect and section 22 of that Act (which provides for information to be furnished to the Secretary of State by pilotage authorities) shall have effect as if—
- (a) the duties imposed by that section to deliver returns and furnish statements of accounts to the Secretary of State and to allow inspection of books and documents by him or a person appointed by him were duties to deliver the returns and furnish the statements to the Commission and to allow inspection by the Commission or a person appointed by the Commission ; and
 - (b) in subsection (1) the words " and any returns so delivered shall, as soon as may be, be laid before both Houses of Parliament " were omitted ; and
 - (c) in subsection (4) for the first reference to the Secretary of State there were substituted a reference to the Commission.
- (3) If the Commission considers that a pilotage order or byelaws should be made for the purpose of giving effect to such a proposal as is mentioned in paragraph (a) or (c) of subsection (1) of this section and that an application for such an order or for confirmation of byelaws which are appropriate for that purpose has not been made to the Secretary of State by a pilotage authority affected by the proposal within a period which the Commission considers reasonable in the circumstances, the Commission may apply to the Secretary of State for a pilotage order for that purpose or, as the case may be, may exercise for that purpose the power to make byelaws which is conferred on the pilotage authority by section 17(1) of the Pilotage Act 1913.
- (4) It shall be the duty of the Commission—
- (a) before it performs a function conferred on it by subsection (1) of this section, to consult the persons in the United Kingdom who the Commission considers are likely to be affected by the performance of the function or to consult persons appearing to the Commission to represent those persons ; and
 - (b) to send to the Secretary of State, and to publish in such manner as the Commission thinks fit, copies of the returns and statements received by the Commission by virtue of subsection (2)(a) of this section ;
- and it shall be the duty of the Secretary of State to lay before Parliament copies of any document he receives in pursuance of paragraph (b) of this subsection.

7 Procedure connected with making and coming into force of pilotage orders

- (1) The Secretary of State may by regulations make provision as to the notices to be given, the other steps to be taken and the payments to be made in connection with an application for a pilotage order, and the regulations must include provision for notice of the application to be advertised and for any person who objects to the application and who appears to the Secretary of State to have a substantial interest in the pilotage services in the area to which the application relates to be given an opportunity of making representations in writing to the Secretary of State about the application.
- (2) Where the Secretary of State makes a pilotage order in consequence of such an application, then—
 - (a) if before the order is made either—
 - (i) no objection to the application has been made in accordance with regulations made by virtue of the preceding subsection, or
 - (ii) every objection so made to the application has been withdrawn,the statutory instrument containing the order shall be subject to annulment in pursuance of a resolution of either House of Parliament; and
 - (b) if an objection so made to the application has not been withdrawn before the order is made the order shall be subject to special parliamentary procedure, and the Statutory Orders (Special Procedure) Act 1945 shall have effect accordingly but as if—
 - (i) sections 2 and 10(2) of that Act (which relate to preliminary proceedings) were omitted, and
 - (ii) that Act extended to Northern Ireland and, in the application of section 7(3) of that Act to Northern Ireland, for any reference to a local authority and the Secretary of State there were substituted respectively a reference to a district council and the Department of the Environment for Northern Ireland.
- (3) Subsections (5) and (6) of section 7 of the Pilotage Act 1913 and paragraphs 1 to 6, 8 and 9 of Schedule 1 to that Act (which relate to applications for pilotage orders and contain provisions as to the pilotage orders which do and do not require confirmation by Parliament) shall cease to have effect.

8 Compulsory pilotage

- (1) In section 11 of the Pilotage Act 1913 (which relates to compulsory pilotage)—
 - (a) in subsection (2) (which provides that if a ship is not under pilotage as required by that section the master of it shall be liable to a fine not exceeding double the amount of the pilotage dues that could be demanded for the conduct of the ship) after the word "liable" there shall be inserted the words "on summary conviction" and for the words "could be demanded for the conduct of the ship" there shall be substituted the words "(disregarding any increase in the dues attributable to failure to comply with the requirements of byelaws in force in the district about requests for pilots) would have been payable in respect of the ship if it had been under pilotage as so required";
 - (b) subsection (3)(b) (which provides that pleasure yachts are excepted ships) and subsections (4) and (5) (which enable byelaws to provide that ships mentioned in those subsections shall be excepted ships) shall cease to have effect; and

(c) at the end of paragraph (c) of subsection (3) (which provides that fishing vessels are excepted ships) there shall be inserted the words " of which the registered length is less than 47.5 metres ";

but nothing in the preceding provisions of this subsection or in any repeal by this Act of a provision of the said section 11 affects that section as set out in subsection (3) of this section.

(2) Any byelaws which, immediately before the preceding subsection comes into force, were in force by virtue of subsection (4) of the said section 11 shall continue in force thereafter and may be revoked as if the said subsection (4) were still in force.

(3) For the said section 11 as amended by subsection (1) of this section there shall be substituted the following section—

(1) Subject to subsection (3) of this section, a ship which is being navigated in a pilotage district in circumstances which the Pilotage Order for the district specifies as circumstances in which pilotage in the district is compulsory shall be—

(a) under the pilotage of a licensed pilot of the district who, in any such case as is specified in byelaws made under this Act by the pilotage authority for the district, is accompanied by an assistant who is also a licensed pilot of the district or, if the byelaws so provide, has a qualification specified in the byelaws ; or

(b) under the pilotage of a master or first mate who possesses a pilotage certificate for the district and is bona fide acting as master or first mate of the ship.

(2) Without prejudice to the generality of the preceding subsection but subject to the following subsection, a ship which is being navigated in a port in a pilotage district at a time when—

(a) there is a defect in its hull, machinery or equipment which might affect materially the navigation of the ship; and

(b) the pilotage authority for the district have, at the request of the body managing or regulating the port, given notice to the master of the ship stating that the ship is to be under pilotage,

shall be under such pilotage as is mentioned in paragraph (a) or (b) of the preceding subsection.

(3) The preceding provisions of this section shall not apply to a ship belonging to Her Majesty, and a pilotage authority may by byelaws under this Act provide that a ship which is of a kind described in the byelaws by reference to its type, size or cargo shall not be required by virtue of the Pilotage Order for the authority's district to be under such pilotage as is mentioned in subsection (1) of this section; and in this Act " excepted ship " means, in relation to a pilotage district, a ship belonging to Her Majesty and any other ship of a kind described in byelaws made by virtue of this subsection by the pilotage authority for the district.

(4) If any ship is not under pilotage as required by subsection (1) or (2) of this section, and either—

(a) the master of the ship has not complied with the requirements of byelaws made under this Act, by the pilotage authority for the district in question, about requests for pilots ; or

(b) a licensed pilot of the district has offered to take charge of the ship, then, subject to the following subsection, the master of the ship shall be guilty of an offence and liable on summary conviction to a fine not exceeding whichever of the following is the greater, namely, one thousand pounds or double the amount of the pilotage dues which would have been payable in respect of the ship if it had been under pilotage as so required and, where the master has not complied as aforesaid, if he had so complied.

- (5) It shall be a defence in proceedings for an offence under the preceding subsection to prove that on the occasion to which the charge relates the ship was being navigated in the pilotage district in question only so far as was necessary to avoid serious danger to the ship.”
- (4) Without prejudice to the generality of subsection (2) of section 52 of this Act, an order in pursuance of that subsection which brings the preceding subsection into force may provide that it shall come into force in relation only to such pilotage districts as are specified in the order.
- (5) The Secretary of State may by order provide that the provisions of the Pilotage Act 1913 relating to compulsory pilotage shall, notwithstanding anything in section 12 of that Act (which provides that those provisions are not to apply to certain craft while they are employed and navigating as mentioned in that section), apply to such of the craft so mentioned as are specified in the order.
- (6) Section 13 of the Pilotage Act 1913 (which provides for a ship to be exempt from compulsory pilotage in a district if it is there for the purpose of taking or landing a pilot from another district) and section 14 of that Act (which relates to the defence of compulsory pilotage and is spent) shall cease to have effect.

9 Pilotage charges

- (1) A pilotage authority may make in the prescribed form a list of the charges to be paid, by persons who make use in the district of the authority of the services of a pilot licensed by the authority, for the services of the pilot and in respect of the pilotage services of the district; and without prejudice to the generality of the preceding provisions of this subsection—
- (a) the charges for the services of a pilot may be or include charges in respect of an assistant for the pilot and in respect of the fees and expenses of the pilot and any assistant of his during periods spent outside the district of the authority in anticipation or in consequence of his activities as a pilot or assistant;
 - (b) the charges for the services of a pilot, in a case where the master of the relevant ship has not complied with the requirements of byelaws made under this Act by the authority about requests for pilots, may be greater than, but not more than one and a half times, the charges for those services in a case where the master has so complied;
 - (c) the charges in respect of the pilotage services of the district may be or include charges in respect of the cost of providing, maintaining and operating pilot boats for the district, charges in respect of other costs of providing and maintaining the pilotage organisation provided by the authority and charges in respect of sums payable or paid by the authority to the Commission by virtue of section 2 of this Act; and
 - (d) the list may provide for the payment of different charges in connection with different circumstances, may provide for a charge which is not paid within

a prescribed period after it becomes due to be increased periodically in accordance with a prescribed scale and may alter or cancel any previous list made by the authority by virtue of this section.

- (2) The charges specified in a list made in pursuance of this section shall not be payable in respect of any use of the services of a pilot before the expiration of the period of 28 days beginning with the day when the list was first published in the prescribed manner; and if at any time after that day an objection to the list is made in writing to the Commission in accordance with the following subsection the Commission may, after giving the authority which made the list an opportunity of commenting in writing to the Commission on the objection and considering any comments then made by the authority, serve in a prescribed manner on the authority a notice in writing cancelling the list or altering the list in a manner specified in the notice and providing that the cancellation or alteration shall have effect on and after a day so specified which is not earlier than the date of service of the notice.
- (3) An objection to a list must—
 - (a) be made by—
 - (i) a majority of the pilots licensed for the district to which the list relates by the authority which made the list or, if the objection is to a particular charge in the list, by a majority of those pilots who are customarily employed in providing the services to which the charge relates, or
 - (ii) three or more persons who are owners of ships which are customarily navigated in the district of the authority, or
 - (iii) a dock or harbour authority whose area lies within the district of the authority, or
 - (iv) any other person appearing to the Commission to have a substantial interest in the list; and
 - (b) be so made on one or more of the following grounds, namely—
 - (i) that one or more of the charges in the list should not be payable or should not be payable in a case specified in the objection ;
 - (ii) that the amount of one or more of the charges in the list should be reduced or increased or should be reduced or increased in a case so specified.
- (4) The alteration or cancellation of list made in pursuance of this section shall not affect charges payable in pursuance of the list in respect of the use of the services of a pilot before the alteration or cancellation took effect.
- (5) If the Secretary of State directs the Commission to give to an authority by which a list has been made in pursuance of this section a notice in writing cancelling the list, or altering it in a manner specified in the direction, with effect from a day so specified, it shall be the duty of the Commission to comply with the direction.
- (6) It shall be the duty of an authority which has made a list in pursuance of this section to send copies of the list to the Secretary of State and the Commission and, unless it has been cancelled, to keep copies of the list, or if it has been altered of the altered list, available during office hours at the principal office of the authority for inspection free of charge and purchase at a reasonable price by members of the public.

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- (7) Any reference to pilotage dues in the Pilotage Act 1913 shall be construed as a reference to charges payable by virtue of this section, and in this section " prescribed " means prescribed by regulations made by the Secretary of State.
- (8) In paragraph (f) of section 17(1) of the Pilotage Act 1913 (which among other things enables byelaws to fix the rates of pilotage dues and to provide for the collection and distribution of them) the words from the beginning to " scales and " shall be omitted and for the words " collection and " there shall be substituted the words " collection (either before or after the performance of services to which they relate) and for the " ; but any byelaws made by an authority by virtue of the omitted words and in force immediately before the date when this subsection comes into force shall remain in force on and after that date but—
- (a) may be revoked by byelaws made by the authority and confirmed by the Secretary of State ; and
 - (b) shall not apply to services provided or to be provided after the date when charges first became payable by reference to a list made by the authority in pursuance of this section.

10 Refusal and cancellation of pilotage certificates

- (1) A pilotage authority shall not be obliged to grant a pilotage certificate if the Commission considers—
- (a) that without the certificate the number of persons holding pilots' licences for the authority's district and the number of persons holding pilotage certificates for the district are appropriate for the district; or
 - (b) that if the certificate were granted functions by virtue of it would probably be performed wholly or mainly in a particular area in the authority's district and that without the certificate the number of persons holding pilots' licences by virtue of which functions are performed wholly or mainly in that area and the number of persons holding pilots' certificates by virtue of which functions are so performed are adequate for the area;
- and accordingly, for the purposes of paragraph (a) of section 27(1) of the Pilotage Act 1913 (which among other things enables a complaint to be made to the Secretary of State if an authority have refused or failed to grant a pilotage certificate without reasonable cause) a pilotage authority shall have reasonable cause for refusing or failing to grant a pilotage certificate if by virtue of this subsection the authority are not obliged to grant it.
- (2) If—
- (a) a majority of the persons holding pilots' licences for the district of a pilotage authority ; or
 - (b) a majority of the persons who hold pilots' licences for the district of a pilotage authority and appear to the Commission to perform functions by virtue of the licences wholly or mainly within a particular area in the district,
- make representations in writing to the Secretary of State, within the period of two months beginning with the day when a pilotage certificate is granted by the authority, requesting him to revoke the certificate—
- (i) on the ground, in the case of a request by a majority mentioned in paragraph (a) above, that apart from the holder of the certificate the number of persons holding pilots' licences for the district and the number of persons holding

pilotage certificates for the district are in the opinion of the Commission appropriate for the district; or

- (ii) on the ground, in the case of a request by a majority mentioned in paragraph (b) above, that in the opinion of the Commission the holder of the certificate is likely to perform functions by virtue of the certificate wholly or mainly within the area in question and that, apart from him, the number of persons who hold pilots' licences by virtue of which functions are in the opinion of the Commission performed wholly or mainly in that area and the number of persons who hold pilotage certificates by virtue of which functions are in the opinion of the Commission so performed are in the opinion of the Commission appropriate for that area, the Secretary of State may, after giving to the holder of the certificate and the authority an opportunity of making representations in writing to him about the request, give to the holder a notice in writing revoking the certificate; and the certificate shall cease to have effect when the holder receives the notice.
- (3) The Secretary of State may, by an order made after the expiration of the period of ten years beginning with the date when this section comes into force, repeal subsections (1) and (2) of this section; and such an order may contain such transitional provisions as the Secretary of State considers are appropriate in connection with the repeal.

11 Employment of pilots by pilotage authorities

- (1) A pilotage authority shall have and be deemed always to have had—
 - (a) power to employ pilots licensed by the authority and, as assistants for such pilots, persons who are or are not pilots so licensed ; and
 - (b) power to make arrangements with shipowners and other persons under which payments are made to the authority in respect of services of persons employed by the authority by virtue of the preceding paragraph.
- (2) If a majority of the persons who for the time being hold pilots' licences for the district of a pilotage authority and are not employed by the authority resolve that the authority shall not be entitled to exercise the power mentioned in the preceding subsection to employ, as pilots or assistants, any pilots licensed by the authority, the authority shall not be entitled to exercise that power until the resolution is revoked by a majority of such persons as aforesaid ; and—
 - (a) the Secretary of State may by regulations make provision with respect to the passing and revocation of resolutions for the purposes of this subsection and with respect to records of resolutions and of the revocation of them ; but
 - (b) nothing in the preceding provisions of this subsection shall affect any contract of employment in force when a resolution is passed in pursuance of those provisions.

12 Pilots' pension and compensation schemes

- (1) The Commission may establish and maintain a scheme for the payment of pensions and other benefits to and in respect of pilots and former pilots.
- (2) Such a scheme may include provision for the assets and liabilities of any pilots' benefit fund established by virtue of section 17(1)(j) of the Pilotage Act 1913 to become, with the consent of the managers of the fund, assets and liabilities of the scheme instead of assets and liabilities of the fund; and the managers of any such fund shall have power

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to give their consent for the purposes of this subsection and to wind up the fund to which their consent relates.

- (3) The Commission may establish and maintain a scheme under which payments may be made for the purpose of compensating pilots and their assistants for loss of employment or reductions in earnings suffered by them in consequence of incidents over which they have no control.

13 Miscellaneous amendments etc of Pilotage Act 1913

- (1) The Pilotage Act 1913 shall have effect with the amendments specified in Schedule 2 to this Act, and in that Schedule references to sections are to sections of that Act.
- (2) In each provision of the Pilotage Act 1913 which is specified in the first column of the following table, for the words specified in relation to that provision in the second and third columns of the table (which state respectively the amount of the maximum fine authorised by that provision for Great Britain and the Isle of Man and for other places) there shall be substituted the words specified in relation to that provision in the fourth column of the table.

TABLE

<i>Provision of Act</i>	<i>Old amount for Great Britain and Isle of Man</i>	<i>Old amount for other places</i>	<i>New amount</i>
Sections 20(4), 36(2) and 50.	Twenty-five pounds	Ten pounds	Two hundred pounds
Sections 34(1) and 37.	Fifty pounds	Twenty pounds	One thousand pounds
Sections 30(3) and (4), 41 and 42.	Fifty pounds	Fifty pounds	Five hundred pounds
Section 48(1) and (2).	One hundred pounds	One hundred pounds	Five hundred pounds
Section 47.	One hundred pounds	One hundred pounds	One thousand pounds

- (3) In the following provisions of the Pilotage Act 1913 as in force elsewhere than in Great Britain and the Isle of Man, namely sections 17(1)(e), 39(2), 43(3) and 45(3) (which authorise fines not exceeding twenty pounds), for the words " twenty pounds " there shall be substituted the words " fifty pounds ".
- (4) Nothing in any of the preceding provisions of this section applies to an offence committed before the provision comes into force.
- (5) It is hereby declared that any reference to a ship in section 30 of the Pilotage Act 1913 (which authorises a licensed pilot to supersede an unlicensed pilot) and section 43(2) of that Act (which relates to the display of a pilot signal) does not include a ship which a person is piloting or ordered to pilot, in a dockyard port within the meaning of the Dockyard Ports Regulation Act 1865, in the course of his duties as a servant of the Crown ; but nothing in this subsection shall be construed as derogating from any immunity which affects a ship apart from this subsection.

Carriage of passengers and luggage by sea

14 Scheduled convention to have force of law

- (1) The provisions of the Convention relating to the Carriage of Passengers and their Luggage by Sea as set out in Part I of Schedule 3 to this Act (hereafter in this section and in Parts II and III 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.
- (3) On and after the date when this Subsection and Part III of Schedule 3 to this Act come into force Parts I and II of that Schedule shall have effect with the modifications specified in the said Part III.
- (4) If it appears to Her Majesty in Council that there is a conflict between the provisions of this section or of Part I or II of Schedule 3 to this Act and any provisions relating to the carriage of passengers or luggage for reward by land, sea or air—
 - (a) any convention which has been signed or ratified by or on behalf of the government of the United Kingdom before the passing of this Act (excluding the Convention) ; or
 - (b) any enactment of the Parliament of the United Kingdom giving effect to such a convention,

She may by Order in Council make such modifications of this section or that Schedule or any such enactment as She considers appropriate for resolving the conflict.

- (5) If it appears to Her Majesty in Council that the government of the United Kingdom has agreed to any revision of the Convention She may by Order in Council make such modifications of Parts I and II of Schedule 3 to this Act as She considers appropriate in consequence of the revision.
- (6) Nothing in subsection (1), (2) or (3) of this section or in any modification made by virtue of subsection (4) or (5) of this section shall affect any rights or liabilities arising out of an occurrence which took place before the day on which the said subsection (1), (2) or (3), or as the case may be the modification, comes into force.
- (7) This section shall bind the Crown, and any Order in Council made by virtue of this section may provide that the Order or specified provisions of it shall bind the Crown.

15 Provisions supplementary to s. 14

- (1) Her Majesty may by Order in Council provide that the preceding section and Schedule 3 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.

- (2) A draft of an Order in Council proposed to be made by virtue of subsection (4) or (5) of the preceding section shall not be submitted to Her Majesty in Council unless the draft has been approved by a resolution of each House of Parliament; and any statutory instrument made by virtue of subsection (1) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) An order made by virtue of section 52(2) of this Act which appoints a day for the coming into force of Part III of Schedule 3 to this Act may contain such transitional provisions as the Secretary of State considers appropriate in connection with the coming into force of that Part.

16 Application of Schedule 3 to international carriage before coming into force of s. 14(1) and (2) and to domestic carriage

- (1) Her Majesty may by Order in Council provide that, during any period before the coming into force of subsections (1) and (2) of section 14 of this Act, Part I of Schedule 3 to this Act
 - (a) shall have the force of law in the United Kingdom, with such modifications as are specified in the Order, in relation to, and to matters connected with, any contract of carriage for international carriage which is made in the United Kingdom and any contract of carriage for international carriage under which a place in the United Kingdom is the place of departure or destination ; and
 - (b) shall, as modified in pursuance of the preceding paragraph, have effect in relation to, and to matters connected with, any such contract subject to the provisions of Part II of that Schedule or to those provisions with such modifications as are specified in the Order.
- (2) Her Majesty may by Order in Council provide that Part I of Schedule 3 to this Act—
 - (a) shall have the force of law in the United Kingdom, with such modifications as are specified in the Order, in relation to, and to matters connected with, a contract of carriage where the places of departure and destination under the contract are in the area consisting of the United Kingdom, the Channel Islands and the Isle of Man and under the contract there is no intermediate port of call outside that area ; and
 - (b) shall, as modified in pursuance of the preceding paragraph, have effect in relation to, and to matters connected with, any such contract subject to the provisions of Part II of that Schedule or to those provisions with such modifications as are specified in the Order.
- (3) An Order in Council made by virtue of subsection (1) or (2) of this section may contain such provisions, including provisions modifying section 28 of the Unfair Contract Terms Act 1977 (which relates to certain contracts as respects which the Convention mentioned in section 14(1) of this Act does not have the force of law in the United Kingdom), as the Secretary of State considers appropriate for the purpose of dealing with matters arising in connection with any contract to which the said section 28 applies before the Order is made.
- (4) If an order appointing a day for the coming into force of subsections (1) and (2) of section 14 of this Act is made In pursuance of section 52(2) of this Act at a time when an Order in Council made by virtue of subsection (1) of this section is in force, the order appointing the day may contain such provisions as the Secretary of State considers appropriate (including provisions modifying provisions of Schedule 3 to this Act as they have effect by virtue of those subsections) for the purpose of dealing with

matters arising, in connection with such a contract as is mentioned in subsection (1) of this section, in consequence of the coming into force of subsections (1) and (2) of the said section 14.

- (5) An Order in Council made by virtue of subsection (1) or (2) of this section may provide that the Order or specified provisions of it shall bind the Crown; but a draft of an Order in Council proposed to be made by virtue of either of those subsections shall not be submitted to Her Majesty in Council, and no order shall be made containing provisions authorised by the preceding subsection, unless the draft of the Order in Council or, as the case may be, a draft of the other order has been approved by a resolution of each House of Parliament.
- (6) In subsections (1) and (2) of this section expressions to which meanings are assigned by article 1 of the Convention set out as mentioned in section 14(1) of this Act have those meanings but any reference to a contract of carriage excludes such a contract which is not for reward.

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.

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

- (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.

Prevention of pollution from ships etc.

20 Prevention of pollution from ships etc.

- (1) Her Majesty may by Order in Council make such provision as She considers appropriate for the purpose of giving effect to any provision of any of the following which have been ratified by the United Kingdom, namely—
 - (a) the International Convention for the Prevention of Pollution from Ships (including its protocols, annexes and appendices) which constitutes attachment 1 to the final act of the International Conference on Marine Pollution signed in London on 2nd November 1973 ;
 - (b) the Protocol relating to Intervention on the High Seas in Cases of Marine Pollution by Substances other than Oil which constitutes attachment 2 to the final act aforesaid;
 - (c) the Protocol relating to the said Convention which constitutes attachment 2 to the final act of the International Conference on Tanker Safety and Pollution Prevention signed in London on 17th February 1978 ;
 - (d) any international agreement not mentioned in the preceding paragraphs which relates to the prevention, reduction or control of pollution of the sea or other waters by matter from ships ;

and in paragraph (d) of this subsection the reference to an agreement includes an agreement which provides for the modification of another agreement, including the modification of an agreement mentioned in paragraphs (a) to (c) of this subsection.

- (2) The powers conferred by the preceding subsection to make provision for the purpose of giving effect to an agreement include power to provide for the provision to come into force although the agreement has not come into force.
- (3) Without prejudice to the generality of subsection (1) of this section, an Order under that subsection may in particular include provision—
 - (a) for applying for the purpose mentioned in that subsection any enactment or instrument relating to the pollution of the sea or other waters and any of the following enactments, namely—
 - sections 446 to 450 of the Merchant Shipping Act 1894 (which relate to dangerous goods),
 - sections 55 to 58 of the Merchant Shipping Act 1970 (which relate to investigations of shipping casualties),
 - sections 10 to 13 of and Schedules 2 and 3 to the Merchant Shipping Act 1974 (which relate to oil tankers);
 - (b) with respect to the carrying out of surveys and inspections for the purpose aforesaid, the issue, duration and recognition of certificates for that purpose and the payment in connection with such a survey, inspection or certificate of fees of amounts determined with the approval of the Treasury ;
 - (c) for repealing the provisions of any enactment or instrument so far as it appears to Her Majesty that those provisions are not required having regard to any provision made or proposed to be made by virtue of this section ;
 - (d) with respect to the application of the Order to the Crown and the extra-territorial operation of any provision made by or under the Order;
 - (e) for the extension of any provisions of the Order, with or without modifications, to any of the Channel Islands, the Isle of Man, any colony and any country or place outside Her Majesty's dominions in which Her Majesty has jurisdiction in right of the government of the United Kingdom;
 - (f) for imposing penalties in respect of any contravention of a provision made by or under the Order, not exceeding, in respect of any one contravention, a fine of £1,000 on summary conviction and imprisonment for two years and a fine on conviction on indictment; and
 - (g) for detaining any ship in respect of which such a contravention is suspected to have occurred and, in relation to such a ship, for applying section 692 of the Merchant Shipping Act 1894 (which relates to the detention of a ship) with such modifications, if any, as are prescribed by the Order;

and nothing in any of the preceding provisions of this subsection shall be construed as prejudicing the generality of any other of those provisions and in particular paragraph (f) shall not prejudice paragraph (a).

- (4) An Order under subsection (1) of this section may—
 - (a) make different provision for different circumstances;
 - (b) provide for exemptions from any provisions of the Order;
 - (c) provide for the delegation of functions exercisable by virtue of the Order ;
 - (d) include such incidental, supplemental and transitional provisions as appear to Her Majesty to be expedient for the purposes of the Order;

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

- (e) authorise the making of regulations and other instruments for any of the purposes of this section (except the purposes of paragraphs (a) and (c) of the preceding subsection) and apply the Statutory Instruments Act 1946 to instruments made under the Order ; and
 - (f) provide that any enactment or instrument applied by the Order shall have effect as so applied subject to such modifications as may be specified in the Order.
- (5) An Order in Council in pursuance of paragraph (b) or (d) of subsection (1) of this section may apply to areas of land or sea or other waters within the seaward limits of the territorial waters of the United Kingdom notwithstanding that the agreement in question does not relate to those areas.
- (6) A draft of an Order in Council proposed to be made by virtue of subsection (1) of this section shall not be submitted to Her Majesty in Council unless the draft has been approved by a resolution of each House of Parliament or the Order is to contain a statement that it is made only for any of the following purposes, namely, the purpose of giving effect to an agreement mentioned in paragraphs (a) to (c) of that subsection, the purpose of providing as authorised by subsection (2) of this section in relation to such an agreement and the purposes of the preceding subsection, or the Order extends only to a territory mentioned in subsection (3)(e) of this section; and a statutory instrument containing an Order which contains such a statement shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Safety and health on ships

21 Safety and health on ships

- (1) The Secretary of State may by regulations make such provision as he considers appropriate for all or any of the following purposes, namely—
- (a) for securing the safety of United Kingdom ships and persons on them and for protecting the health of persons on United Kingdom ships ;
 - (b) for giving effect to any provisions of an international agreement ratified by the United Kingdom so far as the agreement relates to the safety of other ships or persons on them or to the protection of the health of persons on other ships.
- (2) In the preceding subsection "United Kingdom ship" means a ship which—
- (a) is registered in the United Kingdom ; or
 - (b) is not registered under the law of any country but is wholly owned by persons each of whom is either a citizen of the United Kingdom and Colonies or a body corporate which is established under the law of a part of the United Kingdom and has its principal place of business in a part of the United Kingdom ;
- and the power conferred by the preceding subsection to make provision for giving effect to an agreement includes power to provide for the provision to come into force although the agreement has not come into force.
- (3) Regulations in pursuance of subsection (1) of this section (hereafter in this section and in the following section referred to as " safety regulations ") may in particular make provision with respect to any of the following matters, namely—
- (a) the design, construction, maintenance, repair, alteration, inspection, surveying and marking of ships and their machinery and equipment;

- (b) the packaging, marking, loading, placing, moving, inspection, testing and measuring of cargo and anything on a ship which is not cargo, machinery or equipment;
 - (c) the carrying out of any operation involving a ship ;
 - (d) the use of the machinery and equipment of a ship and of anything on a ship which is not cargo, machinery or equipment;
 - (e) the manning of ships, including the employment on ships of persons qualified to attend to the health and safety of persons on the ships;
 - (f) the arrangements for ensuring communication between persons in different parts of a ship and between persons in the ship and other persons ;
 - (g) the access to, presence in and egress from a ship, and different parts of it, of persons of any description;
 - (h) the ventilation, temperature and lighting of different parts of a ship ;
 - (i) the steps to be taken to prevent or control noise, vibration and radiation in and from a ship and the emission in or from a ship of smoke, gas and dust;
 - (j) the steps to be taken to prevent, detect and deal with outbreaks of fire on a ship;
 - (k) the steps to be taken to prevent any collision involving a ship and in consequence of any collision involving a ship;
 - (l) the steps to be taken, in a case where a ship is in distress or stranded or wrecked, for the purpose of saving the ship and its machinery, equipment and cargo and the lives of persons on or from the ship, including the steps to be taken by other persons for giving assistance in such a case ;
 - (m) the removal, by jettisoning or otherwise, of its equipment and of other things from a ship for the purpose of avoiding, removing or reducing danger to persons or property;
 - (n) the steps to be taken, in a case where danger of any kind occurs or is suspected on a ship, for removing or reducing the danger and for warning persons who are not on the ship of the danger or suspected danger ;
 - (o) the making of records and the keeping of documents relating to ships and the keeping and use on a ship of information to facilitate the navigation of the ship ;
 - (p) the keeping of registers and the issue of certificates in cases for which registration or a certificate is required by virtue of the regulations ;
 - (q) the furnishing of information ; and
 - (r) the payment of fees of amounts determined with the approval of the Treasury.
- (4) Safety regulations—
- (a) may make provision in terms of approvals given by the Secretary of State or another person and in terms of any document which the Secretary of State or another person considers relevant from time to time ;
 - (b) may provide for the cancellation of an approval given in pursuance of the regulations and for the alteration of the terms of such an approval; and
 - (c) must provide for any approval in pursuance of the regulations to be given in writing and to specify the date on which it takes effect and the conditions (if any) on which it is given.
- (5) Without prejudice to subsection (1)(b) of the following section, safety regulations may provide—
- (a) for the granting by the Secretary of State or another person, on such terms (if any) as the Secretary of State or other person may specify, of exemptions

from specified provisions of the regulations for classes of cases or individual cases; and

- (b) for the alteration or cancellation of exemptions granted in pursuance of the regulations.

(6) Safety regulations may provide—

- (a) that in such cases as are prescribed by the regulations a ship shall be liable to be detained and that section 692 of the Merchant Shipping Act 1894 (which relates to the detention of a ship) shall have effect, with such modifications (if any) as are prescribed by the regulations, in relation to the ship;
- (b) that, in such cases of contraventions of the regulations as are prescribed by the regulations, such persons as are so prescribed shall each be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000 or, on conviction on indictment, to imprisonment for a term not exceeding two years and a fine;
- (c) that, notwithstanding anything in the preceding paragraph, a person convicted summarily of an offence under the regulations of a kind which is stated by the regulations to correspond to an offence under an enactment specified in the regulations which authorises or authorised a fine on summary conviction of a maximum amount exceeding £1,000 shall be liable to a fine not exceeding that maximum amount.

22 Provisions supplementary to s. 21

(1) Safety regulations may—

- (a) make different provision for different circumstances and, in particular, make provision for an individual case;
- (b) be made so as to apply only in such circumstances as are prescribed by the regulations ;
- (c) be made so as to extend outside the United Kingdom;
- (d) contain such incidental, supplemental and transitional provisions as the Secretary of State considers appropriate.

(2) Where the Secretary of State proposes to make safety regulations or he or another person proposes to give an approval in pursuance of safety regulations it shall be the duty of the Secretary of State or other person, before he gives effect to the proposal, to consult such persons in the United Kingdom (if any) as he considers will be affected by the proposal.

(3) The Secretary of State may by regulations—

- (a) make such repeals or other modifications of provisions of the Merchant Shipping Acts, of any instruments made under those Acts and of the Anchors and Chain Cables Act 1967 as he considers appropriate in consequence or in anticipation of the making of safety regulations;
- (b) make such repeals or other modifications of provisions of any enactment passed and any instrument made before the passing of this Act as he considers appropriate in connection with any modification made or to be made in pursuance of the preceding paragraph ;
- (c) provide for anything done under a provision repealed or otherwise modified by virtue of either of the preceding paragraphs to have effect as if done under safety regulations and make such other transitional provision and such incidental and supplemental provision as he considers appropriate

in connection with any modification made by virtue of either of those paragraphs.

- (4) Nothing in subsections (3) to (6) of the preceding section or subsection (1) of this section shall be construed as prejudicing the generality of subsection (1) of the preceding section.

Discipline

23 Breaches by seamen of codes of conduct and local industrial agreements

- (1) For the purpose of maintaining discipline on board ships registered in the United Kingdom the Secretary of State may by regulations make provision—
- (a) for the hearing on shore in the United Kingdom, by a body established or approved by the Secretary of State in pursuance of the regulations, of a complaint by the master or owner of a ship registered in the United Kingdom, other than a fishing vessel, alleging that during a period when a person (hereafter in this subsection referred to as " the seaman ") was employed on board the ship he contravened, either on or off the ship _ and in the United Kingdom or elsewhere, a provision of a code of conduct approved by the Secretary of State for the purposes of this section;
 - (b) for enabling the body to dismiss the complaint if it finds the allegation not proved and, if it finds the allegation proved, to warn or reprimand the seaman or to recommend to the Secretary of State that the seaman shall, either for a period specified in the recommendation or permanently, cease to be entitled to a discharge book in pursuance of section 71 of the Merchant Shipping Act 1970 and shall be required to surrender any such book which has been issued to him;
 - (c) for enabling the seaman to appeal against such a recommendation to another body established or approved as aforesaid and for enabling the body to confirm or cancel the recommendation or, in the case of a recommendation that the seaman shall cease to be entitled to a discharge book permanently or for a particular period, to substitute for it a recommendation that he shall cease to be so entitled, instead of permanently, for a period specified in the substituted recommendation or, instead of for the particular period, for a shorter period so specified ;
 - (d) for securing that a recommendation in pursuance of regulations made by virtue of paragraph (b) above that the seaman shall permanently cease to be entitled to a discharge book is not submitted to the Secretary of State unless it has been confirmed, either on appeal or otherwise, by a body which is or was authorised by regulations made by virtue of the preceding paragraph to entertain an appeal against the recommendation ;
 - (e) for the establishment or approval for the purposes of this section of such number of bodies as the Secretary of State thinks fit and with respect to the composition, jurisdiction and procedure of any body established or approved for those purposes ;
 - (f) for the payment out of money provided by Parliament of such remuneration and allowances as the Secretary of State may with the consent of the Minister for the Civil Service determine to any member of a body established by the Secretary of State in pursuance of the regulations ;

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

and regulations made by virtue of this subsection may make different provision for different circumstances and may contain such incidental and supplemental provisions as the Secretary of State considers appropriate.

- (2) In relation to fishing vessels registered in the United Kingdom the preceding subsection shall have effect with the substitution for paragraph (a) of the following paragraph—

- (a) for the hearing on shore in the United Kingdom, by a body established or approved by the Secretary of State in pursuance of the regulations, of a complaint by the master or owner of a fishing vessel registered in the United Kingdom alleging that during a period when a person (hereafter in this subsection referred to as " the seaman ") was employed on board the vessel, he contravened, either on or off the vessel and in the United Kingdom or elsewhere, a local industrial agreement relating to his employment in the vessel and for requiring the body to have regard to the agreement in determining whether the allegation is proved ;

and regulations made by virtue of the preceding subsection may include provision authorising persons to determine, for the purposes of that paragraph, what agreements are or were local industrial agreements and which local industrial agreement relates or related to a person's employment in a particular vessel.

- (3) Without prejudice to the generality of subsection (1) of this section, regulations made by virtue of that subsection may include provision for any proceedings in pursuance of the regulations to take place notwithstanding the absence of the seaman to whom the proceedings relate; and nothing in regulations made by virtue of that subsection or done in pursuance of regulations so made shall be construed as affecting any power to institute, prosecute, entertain or determine proceedings (including criminal proceedings) under any other enactment or at common law.
- (4) When the Secretary of State proposes to make any regulations in pursuance of subsection (1) of this section it shall be his duty, before he makes the regulations, to consult about the proposal such organisations in the United Kingdom as he considers are representative of persons likely to be affected by the regulations.
- (5) The power conferred by section 71 of the Merchant Shipping Act 1970 to make regulations relating to discharge books—
- (a) shall include power to provide for a person to cease to be entitled to a discharge book in consequence of a recommendation made by virtue of this section;
- (b) includes power to provide for the re-issue of discharge books which have been surrendered in consequence of such a recommendation.
- (6) A person who, in the United Kingdom or elsewhere—
- (a) obtains employment as a seaman on board a ship registered in the United Kingdom and does so when he is disentitled to a discharge book by virtue of regulations made by virtue of paragraph (a) of the preceding subsection; or
- (b) employs as such a seaman a person who he knows or has reason to suspect is disentitled as aforesaid,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000 or, on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both.

- (7) Sections 34 to 38 of the Merchant Shipping Act 1970 and paragraph 2 of Schedule 2 to that Act (which relate to discipline on board ships registered in the United Kingdom) shall cease to have effect.

24 Determination of amount of deductions from seamen's wages

The power to make regulations conferred by section 9 of the Merchant Shipping Act 1970 (which among other things relates to deductions from the wages of a seaman) shall include power to provide that the amount of a deduction of a description specified in the regulations from wages in respect of employment in a fishing vessel is to be determined by a body established or approved by the Secretary of State in pursuance of regulations made by virtue of the preceding section.

25 Unauthorised liquor on fishing vessels

- (1) A person who, in the United Kingdom or elsewhere—
- (a) takes any unauthorised liquor on board a fishing vessel registered in the United Kingdom; or
 - (b) has any unauthorised liquor in his possession on board such a vessel; or
 - (c) permits another person to take on board such a vessel, or to have in his possession on board such a vessel, any unauthorised liquor; or
 - (d) wilfully obstructs another person in the exercise of powers conferred on the other person by subsection (3) of this section,
- shall, subject to the following subsection, be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000 or, on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both.
- (2) It shall be a defence in proceedings for an offence under paragraph (a) or (b) of the preceding subsection to prove—
- (a) that the accused believed that the liquor in question was not unauthorised liquor in relation to the vessel in question and that he had reasonable grounds for the belief; or
 - (b) that the accused did not know that the liquor in question was in his possession;
- and it shall be a defence in proceedings for an offence under paragraph (c) of the preceding subsection to prove as mentioned in paragraph (a) of this subsection.
- (3) If an authorised person has reason to believe that an offence under paragraph (a) or (b) of subsection (1) of this section has been committed by another person in connection with a fishing vessel, the authorised person—
- (a) may go on board the vessel and search it and any property on it and may, if the other person is on board the vessel, search him there in an authorised manner; and
 - (b) may take possession of any liquor which he finds on the vessel and has reason to believe is unauthorised liquor and may detain the liquor for the period needed to ensure that the liquor is available as evidence in proceedings for the offence.
- (4) In this section—
- " an authorised manner " means a manner authorised by regulations made by the Secretary of State ;

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

" authorised person ", in relation to a vessel, means a mercantile marine superintendent, a proper officer as defined by section 97(1) of the Merchant Shipping Act 1970, a person appointed in pursuance of section 76(1)(c) of that Act (which relates to inspectors), the master of the vessel in question, the owner of the vessel and any person instructed by the said master or owner to prevent the commission of offences under subsection (1) of this section in relation to the vessel;

" liquor " means spirits, wine, beer, cider, perry and any other fermented, distilled or spirituous liquor ; and

" unauthorised liquor " means, in relation to a vessel, liquor as to which permission to take it on board the vessel has been given neither by the master nor the owner of the vessel nor by a person authorised by the said owner to give such permission.

- (5) Any reference in the preceding subsection to the owner of a vessel shall be construed—
- (a) as excluding any member of the crew of the vessel; and
 - (b) subject to the preceding paragraph, as a reference to the person or all the persons who, in the certificate of registry of the vessel, is or are stated to be the registered owner or owners of the vessel.

Inspectors

26 Extension of power to appoint Department of Trade inspectors

In section 728 of the Merchant Shipping Act 1894 (under which the Secretary of State may appoint a person as an inspector to report to him whether, among other things, the provisions of regulations made by virtue of that Act have been complied with) after the words " by virtue of this Act " there shall be inserted the words " or the terms of any approval, licence, consent, direction or exemption given by virtue of such regulations ".

27 Powers of Department of Trade inspectors

- (1) An inspector appointed in pursuance of section 728 of the Merchant Shipping Act 1894—
- (a) may at any reasonable time (or, in a situation which in his opinion is or may be dangerous, at any time)—
 - (i) enter any premises in the United Kingdom, or
 - (ii) board any ship which is registered in the United Kingdom wherever it may be and any other ship which is present in the United Kingdom or the territorial waters of the United Kingdom,
 if he has reason to believe that it is necessary for him to enter the premises or board the ship for the purpose of performing his functions as such an inspector;
 - (b) may, on entering any premises by virtue of paragraph (a) above or on boarding a ship by virtue of that paragraph, take with him any other person authorised in that behalf by the Secretary of State and any equipment or materials required to assist him in performing the said functions;
 - (c) may make such examination and investigation as he considers necessary for the purpose of performing the said functions;

- (d) may, as regards any premises or ship which he has power to enter or board, give a direction requiring that the premises or ship or any part of the premises or ship or any thing in the premises or ship or such a part shall be left undisturbed (whether generally or in particular respects) for so long as is reasonably necessary for the purposes of any examination or investigation under paragraph (c) above;
- (e) may take such measurements and photographs and make such recordings as he considers necessary for the purpose of any examination or investigation under paragraph (c) above;
- (f) may take samples of any articles or substances found in any premises or ship which he has power to enter or board and of the atmosphere in or in the vicinity of any such premises or ship ;
- (g) may, in the case of any article or substance which he finds in any such premises or ship and which appears to him to have caused or to be likely to cause danger to health or safety, cause it to be dismantled or subjected to any process or test (but not so as to damage or destroy it unless that is in the circumstances necessary for the purpose of performing the said functions);
- (h) may, in the case of any such article or substance as is mentioned in paragraph (g) above, take possession of it and detain it for so long as is necessary for all or any of the following purposes, namely—
 - (i) to examine it and do to it anything which he has power to do under that paragraph,
 - (ii) to ensure that it is not tampered with before his examination of it is completed,
 - (iii) to ensure that it is available for use as evidence in any proceedings for an offence under the Merchant Shipping Acts or under regulations made by virtue of any provision of those Acts;
- (i) may require any person who he has reasonable cause to believe is able to give any information relevant to any examination or investigation under paragraph (c) above—
 - (i) to attend at a place and time specified by the inspector, and
 - (ii) to answer (in the absence of persons other than any persons whom the inspector may allow to be present and a person nominated to be present by the person on whom the requirement is imposed) such questions as the inspector thinks fit to ask, and
 - (iii) to sign a declaration of the truth of his answers;
- (j) may require the production of, and inspect and take copies of or of any entry in.—
 - (i) any books or documents which by virtue of any provision of the Merchant Shipping Acts are required to be kept; and
 - (ii) any other books or documents which he considers it necessary for him to see for the purposes of any examination or investigation under paragraph (c) above;
- (k) may require any person to afford him such facilities and assistance with respect to any matters or things within that person's control or in relation to which that person has responsibilities as the inspector considers are necessary to enable him to exercise any of the powers conferred on him by this subsection.

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- (2) It is hereby declared that nothing in the preceding provisions of this section authorises a person unnecessarily to prevent a ship from proceeding on a voyage.
- (3) The Secretary of State may by regulations make provision as to the procedure to be followed in connection with the taking of samples under subsection (1)(f) above and subsection (6) below and provision as to the way in which samples that have been so taken are to be dealt with.
- (4) Where an inspector proposes to exercise the power conferred by subsection (1)(g) above in the case of an article or substance found in any premises or ship, he shall, if so requested by a person who at the time is present in and has responsibilities in relation to the premises or ship, cause anything which is to be done by virtue of that power to be done in the presence of that person unless the inspector considers that its being done in that person's presence would be prejudicial to the safety of that person.
- (5) Before exercising the power conferred by subsection (1)(g) above, an inspector shall consult such persons as appear to him appropriate for the purpose of ascertaining what dangers, if any, there may be in doing anything which he proposes to do under that power.
- (6) Where under the power conferred by subsection (1)(h) above an inspector takes possession of any article or substance found in any premises or ship, he shall leave there, either with a responsible person or, if that is impracticable, fixed in a conspicuous position, a notice giving particulars of that article or substance sufficient to identify it and stating that he has taken possession of it under that power; and before taking possession of any such substance under that power an inspector shall, if it is practicable for him to do so, take a sample of the substance and give to a responsible person at the premises or on board the ship a portion of the sample marked in a manner sufficient to identify it.
- (7) No answer given by a person in pursuance of a requirement imposed under subsection (1)(i) above shall be admissible in evidence against that person or the husband or wife of that person in any proceedings except proceedings in pursuance of subsection (1)(c) of the following section in respect of a statement in or a declaration relating to the answer; and a person nominated as mentioned in the said subsection (1)(i) shall be entitled, on the occasion on which the questions there mentioned are asked, to make representations to the inspector on behalf of the person who nominated him.

28 Provisions supplementary to s. 27

- (1) A person who—
 - (a) wilfully obstructs a Department of Trade inspector in the exercise of any power conferred on him by the preceding section; or
 - (b) without reasonable excuse, does not comply with a requirement imposed in pursuance of the preceding section or prevents another person from complying with such a requirement; or
 - (c) without prejudice to the generality of the preceding paragraph, makes a statement or signs a declaration which he knows is false, or recklessly makes a statement or signs a declaration which is false, in purported compliance with a requirement made in pursuance of subsection (1)(i) of the preceding section,shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000 or, on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both.

- (2) In relation to a person, other than a Department of Trade inspector, who has the powers conferred on such an inspector by the preceding section—
- (a) that section and the preceding subsection shall have effect as if for references to such an inspector there were substituted references to the person ; and
 - (b) that section shall have effect as if for references to the functions of such an inspector there were substituted references to the functions in connection with which those powers are conferred on the person.
- (3) Nothing in the preceding section shall be taken to compel the production by any person of a document of which he would on grounds of legal professional privilege be entitled to withhold production on an order for discovery in an action in the High Court or, as the case may be, on an order for the production of documents in an action in the Court of Session.
- (4) A person who complies with a requirement imposed on him in pursuance of paragraph (i)(i) or (k) of subsection (1) of the preceding section shall be entitled to recover from the person who imposed the requirement such sums in respect of the expenses incurred in complying with the requirement as are prescribed by regulations made by the Secretary of State, and the regulations may make different provision for different circumstances ; and any payments in pursuance of this subsection shall be made out of money provided by Parliament.
- (5) References in the Merchant Shipping Acts to a Department of Trade inspector are to an inspector appointed in pursuance of section 728 of the Merchant Shipping Act 1894.
- (6) Sections 729 and 730 of the Merchant Shipping Act 1894 (which relate to the powers and to obstruction of inspectors shall cease to have effect and the following enactments (which provide for certain persons to have the powers of a Department of Trade inspector in connection with the functions there mentioned) shall cease to have effect, namely—
- section 420(3) of the Merchant Shipping Act 1894 and in sections 369(3) and 431(1) of that Act the words from " and " onwards ;
 - in section 7(2) of the Merchant Shipping Act 1964 the words from " and for that purpose " to " Acts " ;
 - section 11(2) of the Merchant Shipping (Load Lines) Act 1967 and in sections 17(1) and 24(6) of that Act the words from " and " onwards;
 - in section 1(3) of the Fishing Vessels (Safety Provisions) Act 1970 the words from " and " onwards;
- and in section 14(3) of the Merchant Shipping (Safety Convention) Act 1949 (which also provides as aforesaid) for the words from " shall have all the powers " onwards there shall be substituted the words " may go on board the ship and inspect it and anything on it ".
- (7) Without prejudice to the operation of section 17(2) of the Interpretation Act 1978 (which relates to the repeal and re-enactment of enactments)—
- (a) in sections 386(2), 459(6), 463(5), 465(2), 471(3)(b), 488(2) and 517(3) of the Merchant Shipping Act 1894 (which refer to the powers of a Department of Trade inspector under that Act) for the words "under this Act" there shall be substituted the words " under section 27 of the Merchant Shipping Act 1979 ";
 - (b) in sections 55(2) and 61(2) of the Merchant Shipping Act 1970 and in paragraph 5(2) of Schedule 2 to that Act (which refer to the powers conferred on an inspector by section 729 of the Merchant Shipping Act 1894) for the

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- words " section 729 of the Merchant Shipping Act 1894 " there shall be substituted the words " section 27 of the Merchant Shipping Act 1979 "; and
- (c) in section 18 of the Prevention of Oil Pollution Act 1971 (which among other things applies the said section 729 to inspectors appointed under the said section 18)—
- (i) in subsection (3) for the words " Section 729 of the Merchant Shipping Act 1894" there shall be substituted the words " Sections 27 and 28(1), (3) and (4) of the Merchant Shipping Act 1979 " and for paragraph (a) there shall be substituted the following paragraph—
- (a) any reference to a ship included any vessel, any reference to the Merchant Shipping Acts (except the second reference in subparagraph (iii) of section 27(1)(h)) were a reference to this Act and the reference in that sub-paragraph to regulations were omitted;
- (ii) in subsections (4) and (5) for the words " under section 729 " there shall be substituted the words " under section 27 " and in subsection (5) the words from " and in subsection (3)" onwards shall be omitted;
- (iii) in subsection (8) after the words "by virtue of this section " there shall be inserted the words " and the obstruction is not punishable by virtue of the said section 28(1) ".

Deaths on ships

29 **Inquiries as to whether person has died on United Kingdom ship etc.**

- (1) In section 61 of the Merchant Shipping Act 1970 (which among other things provides for an inquiry into the death of a person in a ship registered in the United Kingdom).—
- (a) at the end of subsection (1)(a) there shall be inserted the words " in a boat or life-raft from such a ship; or "; and
- (b) after subsection (1) there shall be inserted the following subsections—
- “(1A) Subject to subsection (4) of this section, where it appears to the Secretary of State that—
- (a) in consequence of an injury sustained or a disease contracted by a person, when he was the master of or a seaman employed in a ship registered in the United Kingdom, he ceased to be employed in the ship and subsequently died ; and
- (b) the death occurred in a country outside the United Kingdom during the period of one year beginning with the day when he so ceased,
- the Secretary of State may arrange for an inquiry into the cause of the death to be held by a superintendent or proper officer.
- (1B) Subject to subsection (4) of this section, where it appears to the Secretary of State that a person may—
- (a) have died in a ship registered in the United Kingdom or in a boat or life-raft from such a ship; or
- (b) have been lost from such a ship, boat or life-raft and have died in consequence of having been so lost,

the Secretary of State may arrange for an inquiry to be held by a superintendent or proper officer into whether the person died as aforesaid and, if the superintendent or officer finds that he did, into the cause of the death.”

- (2) In subsection (3)(a) of that section (which provides for a report of the findings of an inquiry under that section to be made available to the next of kin of the deceased if the deceased was employed in the ship) for the words " if the deceased person " there shall be substituted the words " if the person to whom the report relates " and for the words " deceased person's name " there shall be substituted the words " name of the person to whom the report relates ".
- (3) In section 97(5) of the said Act of 1970 (which provide! that references in that Act to dying in a ship include dying in a ship's boat and being lost from a ship's boat) after the word " Act" there shall be inserted the words " (except section 61) ".

30 Record of certain deaths on ships etc.

- (1) At the end of subsection (1) of section 72 of the Merchant Shipping Act 1970 (of which paragraph (a) enables regulations to be made requiring the master of a ship registered in the United Kingdom to make a return of any death occurring in the ship and of the death outside the United Kingdom of any person employed in the ship) there shall be inserted the words “; and
 - (c) requiring the Registrar General of Shipping and Seamen to record such information as may be specified in the regulations about such a death as is mentioned in paragraph (a) above in a case where it appears to him that the master of the ship cannot perform the duty imposed on him by virtue of that paragraph in respect of the death because he has himself died or is incapacitated or missing and either—
 - (i) the death in question has been the subject of an inquest held by the coroner or an inquiry held in pursuance of section 61 of this Act or in pursuance of the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 and the findings of the inquest or inquiry include a finding that the death occurred, or
 - (ii) a post-mortem examination, or a preliminary investigation in Northern Ireland, has been made of the deceased's body and in consequence the coroner is satisfied that an inquest is unnecessary, or
 - (iii) in Scotland, it does not appear to the Lord Advocate, under section 1(1)(b) of the said Act of 1976, to be expedient in the public interest that an inquiry under that Act should be held.”;and in subsection (2) of that section (which enables regulations to require a certified copy of a return under that section to be sent to the appropriate Registrar General concerned with the registration of deaths) after the word "return" there shall be inserted the words " or record ".
- (2) Where—
 - (a) an inquest is held on a dead body or touching a death or a post-mortem examination, or a preliminary investigation in Northern Ireland, is made of a dead body as a result of which the coroner is satisfied that an inquest is unnecessary; and

- (b) it appears to the coroner that the death in question is such as is mentioned in paragraph (a) of section 72(1) of the Merchant Shipping Act 1970 or in that paragraph as extended (with or without amendments) by virtue of section 92 of that Act,

it shall be the duty of the coroner to send to the Registrar General of Shipping and Seamen particulars in respect of the deceased of a kind prescribed by regulations made by the Secretary of State.

Miscellaneous

31 Dues for space occupied by deck cargo

- (1) In section 85 of the Merchant Shipping Act 1894 (which relates to dues for space occupied by deck cargo) for subsection (3) (which among other things makes provision about the way in which the space is to be ascertained and recorded) there shall be substituted the following subsection—

“(3) The Secretary of State may, by regulations made by statutory instrument, make provision—

- (a) as to the manner in which (including the persons by whom) the tonnage of the space is to be ascertained, recorded and verified;
- (b) as to the occasions on which and the persons by whom and to whom records of the said tonnage are to be produced;
- (c) for a contravention of the regulations to be an offence punishable on summary conviction by a fine not exceeding £500 or such less sum as is prescribed by the regulations;
- (d) for such incidental and supplemental matters as the Secretary of State considers appropriate in connection with the regulations,

and may make different provision by the regulations for different circumstances; and any statutory instrument made by virtue of this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

- (2) Accordingly in section 1(2)(c) of the Merchant Shipping Act 1965 (under which tonnage regulations may provide for the ascertainment of the space to be taken into account for the purposes of the said section 85 and may exempt any space from being taken into account for those purposes) for the words from "provide" to "be" there shall be substituted the words " exempt any space from being " , and the words from " and may " to " those purposes " shall cease to have effect.

32 Shipping casualties

- (1) In section 464 of the Merchant Shipping Act 1894 (which specifies the shipping casualties which may be the subject of inquiries and investigations under Part VI of that Act)—

- (a) in paragraph (4) (which refers to loss of life by reason of a casualty happening to or on board a ship) after the word " life" there shall be inserted the words " or serious personal injury " and after the word "ship" there shall be inserted the words " , or any boat or life-raft from a ship, ";
- (b) after that paragraph there shall be inserted the following paragraph—

- “(4A) when any person is lost from a ship, or any boat or life-raft from a ship, on or near the coasts of the United Kingdom;”
- (c) after paragraph (7) there shall be inserted the following paragraph—
- “(8) when events occur which the Secretary of State determines are of a kind likely to cause events which, if they occurred, would constitute a shipping casualty by virtue of any of the preceding paragraphs..”
- (2) In section 55 of the Merchant Shipping Act 1970 (which relates to inquiries and investigations into shipping casualties)—
- (a) after the words " loss of life " in subsection (1)(b) there shall be inserted the words " or serious personal injury "; and
- (b) after subsection (1) there shall be inserted the following subsection—
- “(1A) Where an incident has occurred which the Secretary of State considers was or is capable of causing a casualty into which he could require an inquiry in pursuance of the preceding subsection, the powers to hold an inquiry or an investigation or both which are conferred on him by paragraphs (i) and (ii) of that subsection shall be exercisable in relation to the incident as if it were such a casualty..”
- (3) Accordingly in section 56(1) of the Merchant Shipping Act 1970 (which relates to an investigation under section 55 of that Act into a casualty) after the word " casualty " there shall be inserted the words " or incident ".

33 Commissioners of Northern Lighthouses and Irish Lights

- (1) Sections 640 and 641 of the Merchant Shipping Act 1894 (which provide for the control by the Trinity House of certain activities of the Commissioners of Northern Lighthouses and the Commissioners of Irish Lights) and section 637 of that Act (which authorises the Trinity House and their servants to enter lighthouses in a lighthouse area which are vested in the said Commissioners or the Trinity House) shall cease to have effect.
- (2) In section 668(4) of the Merchant Shipping Act 1894 (which authorises the Commissioners of Northern Lighthouses to elect not more than four other persons as members of their body) for the words " four other persons " there shall be substituted the words " five other persons; but a person shall not be elected in pursuance of this subsection after section 33(2) of the Merchant Shipping Act 1979 comes into force 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 the said body ".

34 Repeal of spent provisions, and amendment of Part XI, of Merchant Shipping Act 1894

- (1) Sections 670 to 672 and 675 of the Merchant Shipping Act 1894 (which relate to colonial light dues and became spent after the abolition of the dues in 1960) shall cease to have effect.
- (2) In section 677 of that Act, paragraph (m) (which provides for the payment out of money provided by Parliament of the cost of publishing information about foreign lighthouses, buoys and beacons) shall be omitted.

- (3) The Secretary of State may by order provide that references or a particular reference to a buoy or beacon in Part XI of that Act shall be construed as including, in such circumstances as are specified in the order, equipment of a kind so specified which is intended as an aid to the navigation of ships.

35 Amendment of s. 503 of Merchant Shipping Act 1894 etc.

- (1) Nothing in section 503 of the Merchant Shipping Act 1894 (which relates to the limitation of liability in certain cases of loss of life, injury or damage) shall apply to any liability in respect of loss of life or personal injury caused to, or loss of or damage to any property of, a person who is on board or employed in connection with the ship in question if—

- (a) he is so on board or employed under a contract of service governed by the law of any part of the United Kingdom ; and
- (b) the liability arises from an occurrence which took place after the coming into force of this subsection and before the coming into force of the following subsection ;

and in this subsection " ship " has the same meaning as in the said section 503.

- (2) The provisions having the force of law under section 17 of this Act shall not apply to any liability in respect of loss of life or personal injury caused to, or loss of or damage to any property of, a person who is on board the ship in question or employed in connection with that ship or with the salvage operations in question if—

- (a) he is so on board or employed under a contract of service governed by the law of any part of the United Kingdom; and
- (b) the liability arises from an occurrence which took place after the coming into force of this subsection ;

and in this subsection " ship " and " salvage operations " have the same meaning as in those provisions.

36 Amendments of Merchant Shipping (Mercantile Marine Fund) Act 1898

- (1) Section 2(1) and (2) of the Merchant Shipping (Mercantile Marine Fund) Act 1898 (which relate to colonial light dues and of which subsection (1) became spent after the abolition of the dues in 1960) shall cease to have effect; and in section 2(3) of that Act (which among other things provides for the payment out of the General Lighthouse Fund of contributions in respect of the lighthouse on Cape Spartel, Morocco) for the words " lighthouse on Cape Spartel, Morocco" there shall be substituted the words " lights on the islands of Abu Ail and Jabal at Tair in the Red Sea ".

- (2) For subsection (2) of section 5 of that Act (which enables the scales, rules and exemptions set out in Schedule 2 to that Act for the levying of light dues to be altered by Order in Council) there shall be substituted the following subsection—

“(2) The Secretary of State may by statutory instrument make regulations with respect to the amounts and the levying of such dues (including the cases in which the dues are not to be levied) and the regulations may make different provision for different circumstances; and any statutory instrument made by virtue of this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

- (3) In Schedule 3 to the said Act of 1898, paragraph II (which relates to certain lighthouses off the coast of Sri Lanka as to which an arrangement was made on 27th February 1976 between the government of that country and the government of the United Kingdom providing for their transfer to the government of that country) shall be omitted; but any expenditure incurred by the government of the United Kingdom in pursuance of that arrangement either before or after the passing of this Act shall be defrayed out of the General Lighthouse Fund.

37 Amendments of ss. 15, 43, 52, 54, 76(1), 92 and 101(4) of Merchant Shipping Act 1970 and s. 23 of the Prevention of Oil Pollution Act 1971

- (1) Section 15 of the Merchant Shipping Act 1970 (which among other things provides that where a seaman's employment in a ship ends because the ship is wrecked or lost or is sold abroad or ceases to be registered in the United Kingdom he shall in certain cases be entitled to wages for two months after the ending of the employment) shall apply to a master as it applies to a seaman; and in subsection (1) of that section (which makes the wages payable in the case of wreck or loss unless it is proved that the seaman did not make reasonable efforts to save the ship and the persons and property carried on it) the words from " unless " onwards shall be omitted.
- (2) The power to make regulations conferred by section 43 of the Merchant Shipping Act 1970 (which authorises the Secretary of State to make regulations requiring certain ships to carry the number specified in the regulations of officers and other seamen who are qualified in accordance with the regulations) shall include power to make regulations providing that existing certificates shall, except in such cases as are specified in the regulations, be deemed for the purposes of such of the provisions of that Act 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.
- (3) In the preceding subsection " existing certificate " means a certificate granted in pursuance of section 93, 99 or 414 of the Merchant Shipping Act 1894 (which relate to certificates of competency or service as masters, mates and engineers and as skippers and second hands of fishing boats), a certificate referred to in an Order in Council made by virtue of section 102 of that Act (which relates to Commonwealth certificates of competency), a certificate granted in pursuance of subsection (2) of section 27 of the Merchant Shipping Act 1906 or by an institution approved in pursuance of that subsection (which relates to cooks) and a certificate granted in pursuance of section 5 of the Merchant Shipping Act 1948 (which relates to seamen who may be rated as A.B.).
- (4) At the end of sections 52(3) and 54(2) of the Merchant Shipping Act 1970 (which respectively make provision for the rules which are to govern inquiries into the fitness or conduct of officers and of seamen other than officers) there shall be inserted the words " ; and the persons holding the inquiry shall for the purpose of the inquiry have the powers conferred on an inspector by section 27 of the Merchant Shipping Act 1979. " .
- (5) In section 76(1) of the Merchant Shipping Act 1970 (which enables inspections to be carried out for the purpose of seeing that the provisions of the Merchant Shipping Acts and regulations and rules made under those Acts are complied with)—
- (a) references to the Merchant Shipping Acts shall include references to this Act and,

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- (b) after the words "regulations and rules made thereunder " there shall be inserted the words " or that the terms of any approval, licence, consent, direction or exemption given by virtue of such regulations ".
- (6) Without prejudice to the operation of section 50(1) of this Act, in section 92 of the Merchant Shipping Act 1970 (which among other things enables provisions of that Act to be extended to unregistered British ships) the references to that Act shall be construed as including references to sections 23 and 25 of this Act.
- (7) At the end of section 101(4) of the Merchant Shipping Act 1970 (which authorises the appointment of different days for the coming into force of different provisions of that Act) there shall be inserted the words " or for different purposes of the same provision ".
- (8) In section 23 of the Prevention of Oil Pollution Act 1971 (which among other things authorises the Secretary of State to exempt from provisions of that Act certain discharges of crude oil produced as a result of operations for exploring the seabed or for exploiting its resources) for the words from " crude oil" onwards there shall be substituted the word " oil ".

38 Replacement of gold francs by special drawing rights for certain purposes of Merchant Shipping (Oil Pollution) Act 1971 and Merchant Shipping Act 1974

- (1) In section 4 of the Merchant Shipping (Oil Pollution) Act 1971 (which among other things enables a ship's owner to limit in certain circumstances his liability under section 1 of that Act so that it does not exceed 2,000 gold francs for each ton of the ship's tonnage or 210 million gold francs, whichever is less)—
 - (a) for the words " 2,000 gold francs " and " 210 million gold francs" in subsection (1)(b) there shall be substituted respectively the words " 133 special drawing rights " and " 14 million special drawing rights " ; and
 - (b) subsections (3) to (5) (which relate to the value of gold francs) shall cease to have effect.
- (2) In section 5 of that Act (which among other things relates to payment into court of the amount of a limit determined in pursuance of that section), after subsection (2) there shall be inserted the following subsection—

“(2A) A payment into court of the amount of a limit determined in pursuance of this section shall be made in sterling; and—

 - (a) 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—
 - (i) the day on which the determination is made, or
 - (ii) if no sum has been so fixed for that day, the last day before that day for which a sum has been so fixed;
 - (b) a certificate given by or on behalf of the Treasury stating—
 - (i) that a particular sum in sterling has been so fixed for the day on which the determination was made, or
 - (ii) 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 Act;

(c) 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) For the purposes of sections 10(2) and 11(1) of that Act (which refer to Article VII of the International Convention on Civil Liability for Oil Pollution Damage signed in Brussels in 1969) references in that Article to Article V of the Convention shall be construed as references to Article V as amended by Article II of the protocol dated 19th November 1976 to the Convention; and in section 14(2) of that Act (which refers to the limit prescribed by the said Article V) for the words " Article V thereof " there shall be substituted the words " Article V of the Convention as amended by Article II of the protocol dated 19th November 1976 to the Convention " .

(4) The Merchant Shipping Act 1974 shall have effect with the following amendments, namely—

- (a) section 1(6) and (7) (which relate to the value of gold francs) shall cease to have effect;
- (b) in section 2(7)(a) (which provides for a person's contributions to the International Fund there mentioned to be of an amount determined under articles 11 and 12 of the convention which established the Fund) and in section 4(10) (which provides for the liability of the said Fund to be subject to the limits imposed by article 4 of the said convention) after the words " the Fund Convention" there shall be inserted the words " (as amended by Article III of the protocol dated 19th November 1976 to that Convention) ";
- (c) at the end of section 4 (which relates to compensation from the said Fund for persons suffering pollution damage) there shall be inserted the following subsection—

“(13) Any steps taken to obtain payment of an amount or a reduced amount in pursuance of such a judgment as is mentioned in subsection (12) above shall be steps to obtain payment in sterling; and—

- (a) 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—
 - (i) the day on which the judgment is given, or
 - (ii) if no sum has been so fixed for that day, the last day before that day for which a sum has been so fixed;
- (b) a certificate given by or on behalf of the Treasury stating—
 - (i) that a particular sum in sterling has been so fixed for the day on which the judgment was given, or
 - (ii) 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 judgment was given,

shall be conclusive evidence of those matters for the purposes of this Act;

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- (c) 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.;
 - (d) in section (5)(1)(a) and (b) (which specify the portion of the aggregate amount of a liability for which the said Fund is to give indemnity) for the words " 1,500 francs " and " 2,000 francs " there shall be substituted respectively the words " 100 special drawing rights " and " 133 special drawing rights " and for the words " 125 million francs " and " 210 million francs " there shall be substituted respectively the words " 8,333,000 special drawing rights " and " 14 million special drawing rights ";
 - (e) at the end of section 5 there shall be inserted the following subsection—
 - “(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) of this section, paragraphs (a) to (c) of subsection (13) of section 4 of this Act shall have effect—
 - (a) if the liability in question has been limited in pursuance of section 5 of the Merchant Shipping (Oil Pollution) Act 1971, as if—
 - (i) for the reference in the said paragraph (a) 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 5; 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.;
 - (f) in section 6(5)(a) (which refers to provisions of the said article 4 as set out in Schedule 1 to that Act) after the words "as set out" there shall be inserted the words " as amended ";
 - (g) in Schedule 1 for the words "450 million francs" wherever they occur there shall be substituted the words " 30 million special drawing rights "and for the words "900 million francs" there shall be substituted the words " 60 million special drawing rights ".
- (5) It is hereby declared that the powers to make Orders in Council conferred by section 18 of the said Act of 1971 and section 20 of the said Act of 1974 (which provide for the extension of those Acts to any of the countries mentioned in those sections and for those Acts to have effect as if references in them to the United Kingdom included references to any of those countries) include power to make Orders in Council in respect of those Acts as amended by this section.
- (6) An order made by virtue of section 52(2) of this Act which appoints a day for the coming into force of any of the preceding provisions of this section may contain such transitional provisions as the Secretary of State considers appropriate in connection with the coming into force of the provision in question.

39 Attachment of earnings

- (1) At the beginning of paragraph (e) of section 24(2) of the Attachment of Earnings Act 1971 (under which wages of a seaman are not to be treated as earnings for the purposes of that Act unless he is a seaman of a fishing boat) there shall be inserted the words " except in relation to a maintenance order ".
- (2) As respects Scotland, the wages of a seaman of a fishing boat shall cease to be exempt from arrestment and the wages of any other seaman shall cease to be exempt from arrestment under a maintenance order; and in this subsection " maintenance order " means an order of any court or authority enforceable in Scotland for the payment of any periodical or capital sum due or awarded in respect of a marriage or other family relationship.
- (3) Accordingly section 11(1)(a) of the Merchant Shipping Act 1970 (which provides that the wages of a seaman employed in a ship registered in the United Kingdom shall not be subject to attachment or arrestment) shall have effect, as respects England and Wales, subject to the said Act of 1971 as amended by subsection (1) of this section and, as respects Scotland, subject to the preceding subsection.

40 Foreign action affecting shipping

- (1) In section 14 of the Merchant Shipping Act 1974 (which relates to foreign action affecting shipping)—
 - (a) in subsection (3) (which among other things enables provision to be made for regulating matters mentioned in that subsection) after paragraph (d) there shall be inserted the words " and in this subsection ' regulating ', except in relation to the rates which may or must be charged for carrying goods, includes imposing a prohibition ";
 - (b) in subsection (8) (which prohibits the disclosure of information otherwise than with the informant's consent or for the purposes of the section) after paragraph (c) there shall be inserted the words "or
 - (d) in pursuance of a Community obligation to a Community institution";
 - (c) in subsection (11) (which defines expressions used in that section) after the words " United Kingdom " there shall be inserted the words " and ' agency or authority of a foreign government' includes any undertaking appearing to the Secretary of State to be, or to be acting on behalf of, an undertaking which is in effect owned or controlled (directly or indirectly) by a State other than the United Kingdom ";
 - (d) after that subsection there shall be inserted the following subsection—

“(11A) A recital in an order under this section that the persons who have adopted, or propose to adopt, the measures or practices in question are a foreign government, or an agency or authority of a foreign government, shall be conclusive.”
- (2) In paragraph 2 of Schedule 4 to the said Act of 1974 (which relates to the making of orders under subsection (3)(d) of section 14) after sub-paragraph (3) there shall be inserted the following sub-paragraph—

“(4) Nothing in this paragraph prejudices subsection (6) of the principal section..”

41 Application of Merchant Shipping Acts to certain structures etc.

- (1) The Secretary of State may by order provide that a thing designed or adapted for use at sea and described in the order is or is not to be treated as a ship for the purposes of any provision specified in the order of the Merchant Shipping Acts or the Prevention of Oil Pollution Act 1971 or an instrument made by virtue of any of those Acts ; and such an order may—
 - (a) make different provision in relation to different occasions;
 - (b) if it provides that a thing is to be treated as a ship for the purposes of a provision specified in the order, provide that the provision shall have effect in relation to the thing with such modifications as are so specified.
- (2) Where the Secretary of State proposes to make an order in pursuance of the preceding subsection it shall be his duty, before he makes the order, to consult such persons about the proposal as appear to him to represent the persons in the United Kingdom who he considers are likely to be affected by the order.

*Offences***42 Alteration of time for certain summary prosecutions**

- (1) Subsection (1) of section 683 of the Merchant Shipping Act 1894 (which prevents convictions in summary proceedings in the United Kingdom for certain offences unless the proceedings are begun within the times limited by that subsection) shall not apply to summary proceedings for an indictable offence ; and at the end of that subsection there shall be inserted the words " and, in the case of a summary conviction, before the expiration of three years beginning with the date on which the offence was committed ".
- (2) The said subsection (1) shall not prevent a conviction for an offence in summary proceedings begun before the expiration of three years beginning with the date on which the offence was committed and before—
 - (a) the expiration of the period of six months beginning with the day when evidence which the Secretary of State considers is sufficient to justify a prosecution for the offence came to his knowledge; or
 - (b) the expiration of two months beginning with the day when the accused was first present in the United Kingdom after the expiration of the period mentioned in the preceding paragraph if throughout that period the accused was absent from the United Kingdom.
- (3) For the purposes of the preceding subsection—
 - (a) a certificate of the Secretary of State stating that evidence came to his knowledge on a particular day shall be conclusive evidence of that fact; and
 - (b) a document purporting to be a certificate of the Secretary of State and to be signed on his behalf shall be presumed to be such a certificate unless the contrary is proved.
- (4) Section 18 of the Criminal Law Act 1977 (which among other things contains a provision for England and Wales which corresponds to the first provision in subsection (1) of this section) shall not apply to an offence under the Merchant Shipping Acts; but nothing in the preceding provisions of this section, except subsection (1), applies to an offence committed before this section comes into force.

- (5) In the application of this section to Scotland—
- (a) in subsection (2)(a) for the words from "Secretary" to "knowledge" there shall be substituted the words "Lord Advocate considers is sufficient to justify a prosecution for the offence came to his knowledge, or, where such evidence is reported to him by the Secretary of State, the expiration of the period of six months beginning with the day when it came to the knowledge of the Secretary of State";
 - (b) in subsection (3)(a) and (b) for the words "Secretary of State" there shall be substituted the words "Lord Advocate or the Secretary of State, as the case may be."

43 Alteration of penalties

- (1) A person guilty of an offence under any of the enactments mentioned in the first column of Part I, II, III or IV of Schedule 6 to this Act (which among other things relate to the matters mentioned in the second column of those Parts and provide for maximum fines on summary conviction of from £2 to £50 in the case of enactments mentioned in Part I of that Schedule, from £5 to £100 in the case of enactments mentioned in Part II of that Schedule and from £5 to £400 in the case of enactments mentioned in Parts III and IV of that Schedule) shall be liable on summary conviction to a fine not exceeding—
- (a) £50 if the enactment is mentioned in the said Part I;
 - (b) £200 if the enactment is mentioned in the said Part II;
 - (c) £500 if the enactment is mentioned in the said Part III; and
 - (d) £1,000 if the enactment is mentioned in the said Part IV,
- instead of the fine to which he would be liable for the offence apart from this subsection.
- (2) A person guilty of an offence under any of the enactments mentioned in the first column of Part V of that Schedule (which among other things relate to the matters mentioned in the second column of that Part and provide for maximum fines of from £20 to £1,000 on summary conviction and in some cases for a fine on conviction on indictment) shall be liable—
- (a) on conviction on indictment to a fine; and
 - (b) on summary conviction to a fine not exceeding £1,000,
- instead of the fine to which he would be liable for the offence apart from this subsection.
- (3) The enactments mentioned in Parts VI and VII of that Schedule (which provide for various penalties for the offences under the Merchant Shipping Acts and the Prevention of Oil Pollution Act 1971 which are mentioned in those Parts) shall have effect with the amendments specified in those Parts.
- (4) If it appears to the Secretary of State that the maximum amount of a fine on summary conviction for the time being specified in a provision of the Merchant Shipping Acts or the Prevention of Oil Pollution Act 1971 should be altered in consequence of a change in the value of money since 17th July 1978 or, if the amount has been altered in pursuance of this subsection, since it was last so altered, he may by order provide that the provision shall have effect with the substitution for the amount aforesaid of an amount specified in the order which he considers is justified by the change; and such an order may provide that paragraph (b) of section 680(1) of the Merchant Shipping

Act 1894 (which as amended by the said Part VII provides that certain offences made punishable by a fine not exceeding £1,000 can only be prosecuted summarily) and section 703 of that Act (which as so amended provides for penalties and jurisdiction in Scotland) shall have effect with the substitution for the amounts for the time being specified in that paragraph and the said section 703 of the different amounts specified in the order.

- (5) An order under subsection (1) of section 61 of the Criminal Law Act 1977 (which enables the sums specified in certain enactments to be altered in consequence of changes in the value of money) in respect of the prescribed sum mentioned in section 28 of that Act and an order under section 289D(1) of the Criminal Procedure (Scotland) Act 1975 (which makes corresponding provision for Scotland) shall not apply to a sum specified in a provision of the Acts mentioned in the preceding subsection.
- (6) Nothing in any of the preceding provisions of this section or an order under subsection (4) of this section applies to an offence committed before the provision or, as the case may be, the order comes into force.

44 Offence in respect of dangerously unsafe ship

- (1) If—
- (a) a ship in a port in the United Kingdom ; or
 - (b) a ship registered in the United Kingdom which is in any other port,
- is, having regard to the nature of the service for which the ship is intended, unfit by reason of the condition of the ship's hull, equipment or machinery or by reason of undermanning or by reason of overloading or improper loading to go to sea without serious danger to human life, then, subject to the following subsection, the master and the owner of the ship shall each be guilty of an offence and liable on conviction on indictment to a fine and on summary conviction to a fine not exceeding £50,000.
- (2) It shall be a defence in proceedings for an offence under the preceding subsection to prove that at the time of the alleged offence—
- (a) arrangements had been made which were appropriate to ensure that before the ship went to sea it was made fit to do so without serious danger to human life by reason of the matters aforesaid which are specified in the charge; or
 - (b) it was reasonable not to have made such arrangements.
- (3) No proceedings for an offence under subsection (1) of this section shall be begun—
- (a) in England and Wales, except by or with the consent of the Secretary of State or the Director of Public Prosecutions;
 - (b) in Northern Ireland, except by or with the consent of the Secretary of State or the Director of Public Prosecutions for Northern Ireland.
- (4) Section 457 of the Merchant Shipping Act 1894 (under which it is an offence to send an unseaworthy ship to sea) shall cease to have effect.

45 Amendment of certain offences provisions of Merchant Shipping Act 1970

- (1) In section 27(1) of the Merchant Shipping Act 1970 (which among other things penalises certain acts and omissions by the master or a member of the crew of a ship which are likely to cause the loss or destruction of or serious damage to the ship)—

- (a) for the words " or any member of the crew of " there shall be substituted the words " of or any seaman employed in "; and
 - (b) after the words " to the ship " in paragraph (a) and the words " preserve the ship " in paragraph (b) there shall be inserted the words " or its machinery, navigational equipment or safety equipment ".
- (2) In section 28 of that Act (under which a seaman employed in a ship commits an offence if while on duty he is under the influence of drink or a drug to such an extent that his capacity to carry out his duties is impaired) for the word " ship " there shall be substituted the words " fishing vessel " , for the words " on duty " there shall be substituted the words " on board the vessel " and for the words " his duties " there shall be substituted the words " the duties of his employment ".
- (3) In section 95(1)(a) of that Act, (which among other things provides that section 30 of that Act, of which paragraph (c)(iii) penalises combinations by seamen to impede the ship, does not apply to fishing vessels) for the words " 30 and " there shall be substituted the words " and 30(a) and (b), sub-paragraphs (i) and (ii) of section 30(c) and sections ".

46 Offences by officers of bodies corporate

- (1) Where such an offence as is mentioned in section 23(6), 28(1) or 44(1) of this Act 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.
- (2) Where the affairs of a body corporate are managed by its members the preceding subsection shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Supplemental

47 Power to extend Act to certain countries etc.

- (1) Her Majesty may by Order in Council provide that any provision of this Act which is mentioned in the following subsection and specified in the Order and any instrument so specified which is in force under that provision shall, with such modifications (if any) as are so specified—
- (a) extend to a relevant country so specified as part of the law of the country ; or
 - (b) apply to ships registered in a relevant country so specified and to masters and seamen employed in the ships as they apply to ships registered in the United Kingdom and to masters and seamen employed in them ; or
 - (c) extend and apply as aforesaid.
- (2) The provisions of this Act referred to in the preceding subsection are sections 21 to 52 (except sections 33, 34, 36, 38, 42 to 44 and this section) and Schedule 7 (except so far as it relates to the Pilotage Act 1913); and in that subsection " a relevant country " means a country mentioned in section 15(1) of this Act.

- (3) Any statutory instrument made by virtue of subsection (1) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

48 Application to hovercraft

The enactments and instruments with respect to which provision may be made by Order in Council in pursuance of section 1(1)(h) of the Hovercraft Act 1968 shall include this Act and any instrument made under it.

49 Orders and regulations

- (1) Any power to make an order or regulations conferred on the Secretary of State by this Act shall be exercisable by statutory instrument
- (2) Section 738 of the Merchant Shipping Act 1894 (which among other things provides for the publication in the London Gazette, the laying before Parliament and the alteration and revocation of Orders in Council made under that Act or any Act amending that Act) shall not apply to an Order in Council made under this Act.
- (3) No order shall be made in pursuance of section 3(1), 4(2), 8(5), 10(3) or 34(3) of this Act and no regulations relating to an international agreement which has not been laid before Parliament before the passing of this Act shall be made in pursuance of section 21(1) (b) of this Act unless a draft of the order or regulations has been approved by resolution of each House of Parliament.
- (4) Any statutory instrument containing an order made by virtue of section 2(3), 41(1) or 43(4) of this Act or paragraph 11 of Part II of Schedule 3 or paragraph 3 or 5 of Part II of Schedule 4 to this Act or containing regulations made by virtue of section 11(2) (a), 21(1), 22(3), 23(1), 25(4) or 30(2) of this Act (except regulations made by virtue of section 21(1) of which a draft has been approved as mentioned in the preceding subsection) shall be subject to annulment in pursuance of a resolution by either House of Parliament.
- (5) Any statutory instrument containing an order made by virtue of paragraph 8(1) of Part II of Schedule 4 to this Act shall be laid before Parliament after being made.

50 Interpretation and repeals

- (1) This Act shall be construed as one with the Merchant Shipping Acts.
- (2) In this Act—
- " the Commission " means the Pilotage Commission;
 - " contravention " includes failure to comply ;
 - " functions " includes powers and duties ;
 - " the Merchant Shipping Acts " means the Merchant Shipping Acts 1894 to 1977 and, except in sections 22(3)(a) and 37(5) of this Act and the preceding subsection, this Act; and
 - " modifications" includes additions, omissions and alterations, and related expressions shall be construed accordingly.
- (3) Section 4 of the Aliens Restriction (Amendment) Act 1919 (which prohibits an alien from holding a pilotage certificate for a pilotage district in the United Kingdom except in certain cases) shall cease to have effect.

- (4) The enactments mentioned in the first and second columns of Schedule 7 to this Act are hereby repealed to the extent specified in the third column of that Schedule; but nothing in Part I of that Schedule shall affect the operation of any enactment in relation to such an occurrence as mentioned in section 19(4) of this Act.

51 Expenses etc.

- (1) There shall be paid out of money provided by Parliament—
- (a) any administrative expenses incurred by a Minister of the Crown or a government department under this Act; and
 - (b) any increase attributable to this Act in the sums which, under any other Act, are payable out of money so provided.
- (2) The Treasury shall be entitled to charge a reasonable fee for any certificate given by or on behalf of the Treasury in pursuance of any provision contained in subsection (2) or (4)(c) of section 38 of this Act or paragraph 4 of Part III of Schedule 3 or paragraph 7 of Part II of Schedule 4 to this Act.
- (3) Any fees received by a Minister of the Crown by virtue of this Act shall be paid into the Consolidated Fund.

52 Citation and commencement

- (1) This Act may be cited as the Merchant Shipping Act 1979 and this Act and the Merchant Shipping Acts 1894 to 1977 may be cited together as the Merchant Shipping Acts 1894 to 1979.
- (2) This Act shall come into force on such day as the Secretary of State may appoint by order, and different days may be appointed in pursuance of this subsection for different provisions of this Act or for different purposes of the same provision.