



# Merchant Shipping Act 1979

## CHAPTER 39

### MERCHANT SHIPPING ACT 1979

- 1–12 .....  
13 (1) .....

#### *Carriage of passengers and luggage by sea*

- 14 Scheduled convention to have force of law.  
15 Provisions supplementary to s. 14.  
16 Application of Schedule 3 to international carriage before coming into force of s. 14(1) and (2) and to domestic carriage.

#### *Liability of shipowners and salvors*

- 17 Limitation of liability.  
18 Exclusion of liability.  
19 Provisions supplementary to ss. 17 and 18.

#### *Prevention of pollution from ships etc.*

- 20 Prevention of pollution from ships etc.  
20A Further provision for prevention of pollution from ships.

#### *Safety and health on ships*

- 21 Safety and health on ships.  
22 Provisions supplementary to s. 21.

#### *Discipline*

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

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- 24 Determination of amount of deductions from seamen's wages.
- 25 Unauthorised liquor on fishing vessels.

#### *Inspectors*

- 26 Extension of power to appoint Department of Trade inspectors.
- 27 Powers of Department of Trade inspectors.
- 28 Provisions supplementary to s. 27.

#### *Deaths on ships*

- 29 Inquiries as to whether person has died on United Kingdom ship etc.
- 30 Record of certain deaths on ships etc.

#### *Miscellaneous*

- 31 .....
- 32 Shipping casualties.
- 33 Commissioners of Northern Lighthouses and Irish Lights.
- 34 Repeal of spent provisions, and amendment, of Part XI of Merchant Shipping Act 1894.
- 35 Amendment of s. 503 of Merchant Shipping Act 1894 etc.
- 36 Amendments of Merchant Shipping (Mercantile Marine Fund) Act 1898.
- 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.
- 38 Replacement of gold francs by special drawing rights for certain purposes of Merchant Shipping (Oil Pollution) Act 1971 and Merchant Shipping Act 1974.
- 39 Attachment of earnings.
- 40 Foreign action affecting shipping.
- 41 Application of Merchant Shipping Acts to certain structures etc.

#### *Offences*

- 42 Alteration of time for certain summary prosecutions.
- 43 Alteration of penalties.
- 44 .....
- 45 Amendment of certain offences provisions of Merchant Shipping Act 1970.
- 46 Offences by officers of bodies corporate.

#### *Supplemental*

- 47 Power to extend Act to certain countries etc.
- 48 Application to hovercraft.
- 49 Orders and regulations.
- 50 Interpretation and repeals.
- 51 Expenses etc.
- 52 Citation and commencement.

## SCHEDULES

SCHEDULE 1 — . . .

SCHEDULE 2 — . . .

SCHEDULE 3 —  
Part I — TEXT OF CONVENTION

### ARTICLE 1

#### *Definitions*

In this Convention the following expressions have the meaning hereby...

- 1 (a) “carrier” means a person by or on behalf of...
- 2 “contract of carriage” means a contract made by or on...
- 3 “ship” means only a seagoing vessel, excluding an air-cushion  
vehicle;...
- 4 “passenger” means any person carried in a ship,
- 5 “luggage” means any article or vehicle carried by the carrier...
- 6 “cabin luggage” means luggage which the passenger has in his...
- 7 “loss of or damage to luggage” includes pecuniary loss resulting...
- 8 “carriage” covers the following periods: (a) with regard to the...
- 9 “international carriage” means any carriage in which, according to the...

### ARTICLE 2

#### *Application*

- 1 This Convention shall apply to any international carriage if:
- 2 Notwithstanding paragraph 1 of this Article, this Convention shall not...

### ARTICLE 3

#### *Liability of the carrier*

- 1 The carrier shall be liable for the damage suffered as...
- 2 The burden of proving that the incident which caused the...
- 3 Fault or neglect of the carrier or of his servants...

### ARTICLE 4

#### *Performing carrier*

- 1 If the performance of the carriage or part thereof has...
- 2 The carrier shall, in relation to the carriage performed by...
- 3 Any special agreement under which the carrier assumes obligations  
not...

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- 4 Where and to the extent that both the carrier and...
- 5 Nothing in this Article shall prejudice any right of recourse...

#### **ARTICLE 5**

##### *Valuables*

The carrier shall not be liable for the loss of...

#### **ARTICLE 6**

##### *Contributory fault*

If the carrier proves that the death of or personal...

#### **ARTICLE 7**

##### *Limit of liability for personal injury*

- 1 The liability of the carrier for the death of or...
- 2 Notwithstanding paragraph 1 of this Article, the national law of...

#### **ARTICLE 8**

##### *Limit of liability for loss of or damage to luggage*

- 1 The liability of the carrier for the loss of or...
- 2 The liability of the carrier for the loss of or...
- 3 The liability of the carrier for the loss of or...
- 4 The carrier and the passenger may agree that the liability...

#### **ARTICLE 9**

##### *Monetary unit and conversion*

- 1 The franc mentioned in this Convention shall be deemed to...
- 2 The amounts referred to in Articles 7 and 8 shall...

#### **ARTICLE 10**

##### *Supplementary provisions on limits of liability*

- 1 The carrier and the passenger may agree, expressly and in...
- 2 Interest on damages and legal costs shall not be included...

#### **ARTICLE 11**

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### *Defences and limits for carriers' servants*

If an action is brought against a servant or agent...

#### **ARTICLE 12**

##### *Aggregation of claims*

- 1 Where the limits of liability prescribed in Articles 7 and...
- 2 In relation to the carriage performed by a performing carrier,...
- 3 In any case where a servant or agent of the...

#### **ARTICLE 13**

##### *Loss of right to limit liability*

- 1 The carrier shall not be entitled to the benefit of...
- 2 The servant or agent of the carrier or of the...

#### **ARTICLE 14**

##### *Basis for claims*

No action for damages for the death of or personal...

#### **ARTICLE 15**

##### *Notice of loss or damage to luggage*

- 1 The passenger shall give written notice to the carrier or...
- 2 If the passenger fails to comply with this Article, he...
- 3 The notice in writing need not be given if the...

#### **ARTICLE 16**

##### *Time-bar for actions*

- 1 Any action for damages arising out of the death of...
- 2 The limitation period shall be calculated as follows:
- 3 The law of the court seized of the case shall...
- 4 Notwithstanding paragraphs 1, 2 and 3 of this Article, the...

#### **ARTICLE 17**

##### *Competent jurisdiction*

- 1 An action arising under this Convention shall, at the option...
- 2 After the occurrence of the incident which has caused the...

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## ARTICLE 18

### *Invalidity of contractual provisions*

Any contractual provision concluded before the occurrence of the incident...

## ARTICLE 19

### *Other conventions on limitation of liability*

This Convention shall not modify the rights or duties of...

## ARTICLE 20

### *Nuclear damage*

No liability shall arise under this Convention for damage caused...

(a) if the operator of a nuclear installation is liable...

(b) if the operator of a nuclear installation is liable...

## ARTICLE 21

### *Commercial carriage by public authorities*

This Convention shall apply to commercial carriage undertaken by States...

### Part II — PROVISIONS HAVING EFFECT IN CONNECTION WITH CONVENTION

#### *Interpretation*

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

#### *Provisions adapting or supplementing specified articles of the Convention*

2 For the purposes of paragraph 2 of article 2, provisions...

3 The reference to the law of the court in article...

4 The Secretary of State may by order provide that, in...

5 The values which in pursuance of article 9 shall be...

6 It is hereby declared that by virtue of article 12...

7 Article 16 shall apply to an arbitration as it applies...

8 The court before which proceedings are brought in pursuance of...

#### *Other provisions adapting or supplementing the Convention*

9 Any reference in the Convention to a contract of carriage...

10 If Her Majesty by Order in Council declares that any...

11 The Secretary of State may by order make provision—

#### *Application of ss. 502 and 503 of Merchant Shipping Act 1894 and section 17 and 18 of this Act*

12 Nothing in section 502 of the Merchant Shipping Act 1894...

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- 13 It is hereby declared that nothing in the Convention affects...  
Part III — MODIFICATIONS OF PARTS I AND II IN CONSEQUENCE OF  
PROTOCOL OF 19TH NOVEMBER 1976
- 1 In Part I of this Schedule, in article 7 of...
  - 2 In the said Part I, in article 8 of the...
  - 3 In the said Part I for article 9 there shall...

## ARTICLE 9

### *Unit of account and conversion*

The Unit of Account mentioned in this Convention is the...

- 4 In Part II of this Schedule for paragraph 5 there...
- 5 (1) For the purpose of converting from special drawing rights...

## SCHEDULE 4 —

### Part I — TEXT OF CONVENTION

## CHAPTER I. THE RIGHT OF LIMITATION

### Article 1

#### *Persons entitled to limit liability*

- 1 Shipowners and salvors, as hereinafter defined, may limit their liability...
- 2 The term “shipowner” shall mean the owner, charterer, manager or...
- 3 Salvor shall mean any person rendering services in direct connexion...
- 5 In this Convention the liability of a shipowner shall include...
- 6 An insurer of liability for claims subject to limitation in...
- 7 The act of invoking limitation of liability shall not constitute...

#### *Claims subject to limitation*

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

#### *Claims excepted from limitation*

The rules of this Convention shall not apply to:

- (a) claims for salvage or contribution in general average;
- (b) claims for oil pollution damage within the meaning of...
- (c) claims subject to any international convention or national legislation...
- (d) claims against the shipowner of a nuclear ship for...
- (e) claims by servants of the shipowner or salvor whose...

### Article 4

#### *Conduct barring limitation*

A person liable shall not be entitled to limit his...

### Article 5

### *Counterclaims*

Where a person entitled to limitation of liability under the...

## **CHAPTER II. LIMITS OF LIABILITY**

### Article 6

#### *The general limits*

- 1 The limits of liability for claims other than those mentioned...
- 2 Where the amount calculated in accordance with paragraph 1(a) is...

#### *The limit for passenger claims*

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

#### *Unit of Account*

- 1 The Unit of Account referred to in Articles 6 and...

#### *Aggregation of claims*

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

#### *Limitation of liability without constitution of a limitation fund*

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

## **CHAPTER III. THE LIMITATION FUND**

### Article 11

#### *Constitution of the fund*

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

#### *Distribution of the fund*

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

#### *Bar to other actions*

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



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### *Governing law*

Subject to the provisions of this Chapter the rules relating...

## **CHAPTER IV. SCOPE OF APPLICATION**

### Article 15

This Convention shall apply whenever any person referred to in...

#### Part II — PROVISIONS HAVING EFFECT IN CONNECTION WITH CONVENTION

### *Interpretation*

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

### *Right to limit liability*

2 The right to limit liability under the Convention shall apply...

### *Claims subject to limitation*

3 (1) Paragraph 1(d) of article 2 shall not apply unless...

### *The general limits*

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

### *Limit for passenger claims*

6 (1) In case of a ship for which there is...

### *Units of Account*

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

### *Constitution of fund*

8 (1) The Secretary of State may from time to time,...

### *Distribution of land*

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

### *Bar to other actions*

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

### *Meaning of “court”*

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

### *Meaning of “ship”*

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

### *Meaning of “State Party”*

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

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SCHEDULE 5 —

*The Merchant Shipping (Liability of Shipowners and Others) Act 1900*

- 1 (1) In section 2(1) of the Merchant Shipping (Liability of...  
2 .....

*The Crown Proceedings Act 1947*

- 3 For section 5 of the Crown Proceedings Act 1947, including...

*The Hovercraft Act 1968*

- 4 In section 1(1)(i) of the Hovercraft Act 1968 for the...

*The Carriage of Goods by Sea Act 1971*

- 5 In section 6(4) of the Carriage of Goods By Sea...

*The Merchant Shipping (Oil Pollution) Act 1971*

- 6 (1) In sections 5(4)(b) and 7(b) of the Merchant Shipping...

SCHEDULE 6 —

- Part I — MAXIMUM FINE OF £50 ON SUMMARY CONVICTION  
Part II — MAXIMUM FINE OF £200 ON SUMMARY CONVICTION  
Part III — MAXIMUM FINE OF £500 ON SUMMARY CONVICTION  
Part IV — MAXIMUM FINE OF £1,000 ON SUMMARY CONVICTION  
Part V — FINE ON CONVICTION ON INDICTMENT AND MAXIMUM FINE OF  
£1,000 ON SUMMARY CONVICTION  
Part VI — MISCELLANEOUS PENALTIES ON SUMMARY CONVICTION

*Maximum fines of £50*

- 1 .....  
2 In subsection (2) of section 77 of the Merchant Shipping...  
3 In subsection (4) of section 6 of the Merchant Shipping...  
4 In sections 68(5), 69(5), 70(2), 71(2) and 72(4) of the...

*Maximum fines of £200 and £20 a day*

- 5 In subsection (2) of section 48 of the Merchant Shipping...  
6 In subsections (2)(d) and (6A) of section 1 of the...  
7 In Schedule 1 to the Merchant Shipping (Load Lines) Act...  
8 In sections 2(2), 3(4), 62(6) and 65(3) of the Merchant...  
9 In section 77(1) of the Merchant Shipping Act 1970 (under...

*Miscellaneous*

- 10 In section 667(3) of the Merchant Shipping Act 1894 (under...  
11 In subsection (2) of section 723 of the Merchant Shipping...  
12 Subsection (4) of section 724 of the Merchant Shipping Act...  
13 In section 76(3) of the Merchant Shipping Act 1906 (under...  
14 In subsection (5) of section 24 of the Merchant Shipping...  
15 In Schedule I to the Merchant Shipping (Load Lines) Act...  
16 In subsection (8) of section 9 of the Prevention of...  
17 In section 17(5) of the said Act of 1971 (which...

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- 18 In subsection (6) of section 3 of the Merchant Shipping...
  - 19 In subsection (9) of section 14 of the Merchant Shipping...
  - 20 In paragraph 3(2) of Schedule 5 to the Merchant Shipping...
- Part VII — OTHER PENALTIES

*The Merchant Shipping Act 1894*

- 1 At the end of section 66 of the Merchant Shipping...
- 2 In section 73 of the Merchant Shipping Act 1894 (which...
- 3 In section 271 of the Merchant Shipping Act 1894 (which...
- 4 Subsection (3) of section 360 of the Merchant Shipping Act...
- 5 In section 419(2) of the Merchant Shipping Act 1894 (which...
- 6 In subsection (3) of section 422 of the Merchant Shipping...
- 7 In subsection (2) of section 446 of the Merchant Shipping...
- 8 In section 447 of the Merchant Shipping Act 1894 (under...
- 9 In paragraph (a) of subsection (1) of section 680 of...
- 10 In section 692(1) of the Merchant Shipping Act 1894 (which...
- 11 In section 692(2) of the Merchant Shipping Act 1894 (which...
- 12 In section 696(2) of the Merchant Shipping Act 1894 (under...
- 13 In section 702 of the Merchant Shipping Act 1894 (which...
- 14 For section 703 of the Merchant Shipping Act 1894 (which...

*The Merchant Shipping Act 1921 1921 c. 28.*

- 15 In section 2(1) of the Merchant Shipping Act 1921 (under...

*The Merchant Shipping (Safety Convention) Act 1949*

- 16 In subsection (5) of section 3 of the Merchant Shipping...

*The Merchant Shipping (Load Lines) Act 1967*

- 17 In section 4 of the Merchant Shipping (Load Lines) Act...

*The Merchant Shipping Act 1970*

- 18 In section 19(5) of the Merchant Shipping Act 1970 (which...
- 19 .....
- 20 In section 28 of the Merchant Shipping Act 1970 (which...
- 21 In section 30 of the Merchant Shipping Act 1970 (which...

*The Merchant Shipping Act 1974*

- 22 In paragraph 5 of Schedule 2 to the Merchant Shipping...

SCHEDULE 7 —

Part I — ENACTMENTS RELATING TO LIABILITY OF SHIPOWNERS AND SALVORS

Part II — OTHER ENACTMENTS

**Changes to legislation:**

There are currently no known outstanding effects for the Merchant Shipping Act 1979.