



Merchant Shipping Act 1979

CHAPTER 39

MERCHANT SHIPPING ACT 1979

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- 4 Functions of Commission
- 5 Annual report

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- 17 Limitation of liability

Status: This is the original version (as it was originally enacted).

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

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- 20 Prevention of pollution from ships etc.

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- 21 Safety and health on ships
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- 36 Amendments of Merchant Shipping (Mercantile Marine Fund) Act 1898
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- 38 Replacement of gold francs by special drawing rights for certain purposes of Merchant Shipping (Oil Pollution) Act 1971 and Merchant Shipping Act 1974
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- 41 Application of Merchant Shipping Acts to certain structures etc.

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- 42 Alteration of time for certain summary prosecutions
- 43 Alteration of penalties
- 44 Offence in respect of dangerously unsafe ship
- 45 Amendment of certain offences provisions of Merchant Shipping Act 1970
- 46 Offences by officers of bodies corporate

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- 48 Application to hovercraft
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- 50 Interpretation and repeals
- 51 Expenses etc.
- 52 Citation and commencement

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- Schedule 1 — Further provisions relating to constitution etc of Pilotage Commission

Tenure of members

- 1 Subject to paragraphs 2 to 4 of this Schedule, a...
- 2 A person shall not be appointed as a Commissioner and...
- 3 (1) A person may at any time resign his office...
- 4 If the Secretary of State is satisfied that a Commissioner—...

Remuneration of members

- 5 The Commission shall pay to each Commissioner such remuneration and...
- 6 Where a person ceases to be a Commissioner otherwise than...

Proceedings

- 7 The quorum of the Commission and the arrangements relating to...
- 8 (1) A Commissioner who is in any way directly or...
- 9 The validity of any proceedings of the Commission shall not...

Staff

- 10 The Commission may employ such persons as it considers are...
- 11 The Commission may— (a) pay, to or in respect of...
- 12 If a person employed by the Commission becomes a Commissioner...

Instruments

- 13 The fixing of the common seal of the Commission shall...
- 14 A document purporting to be duly executed under the seal...

Interpretation

- 15 In the preceding provisions of this Schedule " the Chairman...

Schedule 2 — Miscellaneous amendments of Pilotage Act 1913

- 1 In paragraph (h) of section 7(1) (which enables a pilotage...
- 2 Section 8(2) (which relates to pilotage districts and authorities as...
- 3 Section 9 (which provides for the appointment of a committee...
- 4 Section 10(1) (which relates to areas in which pilotage was...
- 5 (1) In paragraphs (k), (l), (m) and (p) of section...
- 6 In section 18 (of which paragraphs (a) to (c) specify...

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- 7 In section 20(4) (which penalises a person who fails to...
- 8 (1) In section 23(1) (which provides for the grant of...
- 9 Section 24 (which specifies the special cases mentioned in
subparagraph...
- 10 (1) In section 27(1)(a) (which refers to a pilotage certificate...
- 11 (1) In section 30(2) (which relates to dues payable in...
- 12 In section 31 (which relates to the furnishing of information...
- 13 (1) In section 32(1) (which provides that a ship while...
- 14 Section 33(2) (under which a licensed pilot is required to...
- 15 In section 35 (under which a pilot who in pursuance...
- 16 In section 36(2) (which penalises a licensed pilot who refuses...
- 17 In section 39— (a) in subsection (1) (which requires a...
- 18 In section 42 (which among other things penalises the master...
- 19 In section 43(3) (which penalises a master who fails to...
- 20 (1) In section 44(2) (which requires a master of a...
- 21 In section 45(3) (which penalises the master of a ship...
- 22 In section 46 (which provides that a pilot of a...
- 23 In section 48(1) (under paragraph (a) of which it is...
- 24 In section 50 (which penalises a pilot who demands or...
- 25 In section 51 (which provides that if a ship with...
- 26 Section 56 (which provides that expenditure under the Pilotage Act...
- 27 In section 61 (which relates to the extent and application...

Schedule 3 — Convention relating to the Carriage of Passengers and their
Luggage by Sea

Part I — TEXT OF CONVENTION

Definitions

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

Application

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

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...

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

Valuables

Contributory fault

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...

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...

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...

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...

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...

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...

Basis for claims

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...

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...

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

Competent jurisdiction

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

Invalidity of contractual provisions

Other conventions on limitation of liability

Nuclear damage

Commercial carriage by public authorities

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 sections 17 and 18 of this Act

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

Unit of account and conversion

Schedule 4 — Convention on Limitation of Liability for Maritime Claims 1976
Part I — TEXT OF CONVENTION

CHAPTER I

THE RIGHT OF LIMITATION

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...
- 3 Salvor shall mean any person rendering services in direct connexion...
- 4 If any claims set out in Article 2 are made...
- 5 In this Convention the liability of a shipowner shall include...
- 6 An insurer of liability for claims subject to limitation 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

Conduct barring limitation

Counterclaims

CHAPTER II

LIMITS OF LIABILITY

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...
- 4 The limits of liability for any salvor not operating from...

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...

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

CHAPTER III

THE LIMITATION FUND

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...
- 4 Where the person liable or any other person establishes that...

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...

Governing law

CHAPTER IV

SCOPE OF APPLICATION

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...

Claims excluded from limitation

- 4 (1) The claims excluded from the Convention by paragraph (b)...

The general limits

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

Limit for passenger claims

- 6 (1) In the case of a passenger steamer within the...

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 fund

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

Bar to other actions

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

Meaning of " court "

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

Meaning of " ship "

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

Meaning of " State Party "

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

Schedule 5 — Liability of shipowners and salvors: consequential amendments

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

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

The Pilotage Authorities (Limitation of Liability) Act 1936

2 (1) In section 1(1) of the Pilotage Authorities (Limitation of...

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 — Alteration of Penalties

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

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

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 In section 373(5)(d) of the Merchant Shipping Act 1894 (which...
- 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 1 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...
- 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

- 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 In section 27(1) of the Merchant Shipping Act 1970 (under...
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 — Enactments Repealed

Part I — ENACTMENTS RELATING TO LIABILITY OF SHIPOWNERS AND
SALVORS

Part II — OTHER ENACTMENTS