



Merchant Shipping Act 1979

1979 CHAPTER 39

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 in—
 - (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.