

SCHEDULES

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 Shipowners and Others) Act 1900 for the reference to the actual fault or privity of the owners or authority there shall be substituted a reference to any such personal act or omission of the owners or authority as is mentioned in article 4 of the Convention in Part I of Schedule 4 to this Act.
- (2) The limit of liability under that section shall be ascertained by applying to the ship mentioned in subsection (1) the method of calculation specified in paragraph 1(b) of article 6 of the Convention read with paragraph 5(1) and (2) of Part II of that Schedule.
- (3) Articles 11 and 12 of the Convention in Part I of that Schedule and paragraphs 8 and 9 of Part U of that Schedule shall apply for the purposes of that section.

The Pilotage Authorities (Limitation of Liability) Act 1936

- 2 (1) In section 1(1) of the Pilotage Authorities (Limitation of Liability) Act 1936 for the reference to the actual fault or privity of the pilotage authority there shall be substituted a reference to any such personal act or omission of the authority as is mentioned in article 4 of the Convention in Part I of Schedule 4 to this Act
- (2) In section 4 of that Act for the words from "by or under" to " subsequent Acts " there shall be substituted the words
- “under section 17 or 18 of the Merchant Shipping Act 1979”.

The Crown Proceedings Act 1947

- 3 For section 5 of the Crown Proceedings Act 1947, including that Act as it applies in Northern Ireland, there shall be substituted—
- “5 (1) The provisions of sections 17 and 18 of the Merchant Shipping Act 1979 and of Schedule 4 to that Act (liability of shipowners and salvors) shall apply in relation to His Majesty's ships as they apply in relation to other ships.
- (2) In this section " ships " has the same meaning as in those provisions.”

The Hovercraft Act 1968

- 4 In section 1(1)(i) of the Hovercraft Act 1968 for the words " Part VIII of the Merchant Shipping Act 1894 ", " that Part" and " the said Part VIII" there shall be

Status: This is the original version (as it was originally enacted).

substituted respectively the words sections 17 and 18 of the Merchant Shipping Act 1979, "those sections" and "the said sections of the Merchant Shipping Act 1979".

The Carriage of Goods by Sea Act 1971

- 5 In section 6(4) of the Carriage of Goods by Sea Act 1971 for the words from "section 502 " to " 1958 " there shall be substituted the words section 18 of the Merchant Shipping Act 1979 (which".

The Merchant Shipping (Oil Pollution) Act 1971

- 6 (1) In sections 5(4)(b) and 7(b) of the Merchant Shipping (Oil Pollution) Act 1971 for the words " the Merchant Shipping (Liability of Shipowners and Others) Act 1958 " there shall be substituted the words the Merchant Shipping Act 1979.
- (2) For section 15(2) of that Act there shall be substituted—
- “(2) For the purposes of section 17 of the Merchant Shipping Act 1979 (limitation of liability) any liability incurred under this section shall be deemed to be a liability in respect of such damage to property as is mentioned in paragraph 1(a) of article 2 of the Convention in Part I of Schedule 4 to that Act.”