



Merchant Shipping Act 1979

1979 CHAPTER 39

Carriage of passengers and luggage by sea

- 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

Status: This is the original version (as it was originally enacted).

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.