



# Merchant Shipping Act 1988

## 1988 CHAPTER 12

### PART IV

#### GENERAL

#### **49 Application to hovercraft**

The enactments and instruments with respect to which provision may be made by Order in Council in pursuance of section 1(1)(h) of the Hovercraft Act 1968 shall include this Act and any instrument made under it.

#### **50 Application to unregistered ships**

- (1) The Secretary of State may make regulations specifying any description of unregistered ships and directing that such of the provisions of sections 30, 31 and 33 as may be specified in the regulations—
  - (a) shall extend to unregistered ships of that description, or
  - (b) shall so extend in such circumstances as may be so specified,with such modifications (if any) as may be so specified.
- (2) Subsection (1) shall not be construed as prejudicing the application to unregistered ships of section 30(1)(a) or section 33(2)(a)(ii).
- (3) In this section “unregistered ship” means a ship which is not registered in the United Kingdom or elsewhere.

#### **51 Offences by officers of bodies corporate**

- (1) Where a body corporate is guilty of an offence under this Act or any regulations made under it, and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

- (2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

## **52 Disclosure of information to Secretary of State by other government departments**

- (1) No obligation as to secrecy or other restriction on the disclosure of information (whether imposed by statute or otherwise) shall preclude any of the persons mentioned in subsection (2) from disclosing—
- (a) to the Secretary of State, or
  - (b) to an authorised officer of the Secretary of State,
- information for the purpose of assisting the Secretary of State in the performance of his functions under Part I or Part II.
- (2) The persons referred to in subsection (1) are—
- (a) the Minister of Agriculture, Fisheries and Food,
  - (b) the Secretaries of State respectively concerned with sea fishing in Scotland, Wales and Northern Ireland,
  - (c) the Department of Agriculture for Northern Ireland,
  - (d) the Commissioners of Customs and Excise, and
  - (e) an authorised officer of any of the persons falling within paragraphs (a) to (d) above.
- (3) Information obtained by any person in pursuance of subsection (1) shall not be disclosed by him to any other person except where the disclosure is made—
- (a) to a person to whom the information could have been disclosed by any of the persons mentioned in subsection (2) in accordance with subsection (1), or
  - (b) for the purposes of any legal proceedings arising out of Part I or Part II.

## **53 Regulations**

- (1) Any power of the Secretary of State to make regulations under this Act shall be exercisable by statutory instrument subject to annulment by a resolution of either House of Parliament.
- (2) Regulations under this Act may—
- (a) make different provision for different classes or descriptions of ships and for different circumstances; and
  - (b) make such transitional, incidental or supplementary provision as appears to the Secretary of State to be necessary or expedient.

## **54 Notices under Parts I and II**

- (1) Any notice required or authorised to be served by the Secretary of State under Part I or II may be served by post.
- (2) Any notice required or authorised to be served by the Secretary of State under Part I or II on the registered owner of any registered ship or registered fishing vessel shall, where there are two or more registered owners, be treated as duly served—

- (a) in the case of a ship in relation to which a managing owner is for the time being registered under section 59(1) of the 1894 Act, if served on that managing owner, and
  - (b) in the case of any other ship or in the case of a fishing vessel, if served on any one of the registered owners.
- (3) For the purposes of section 7 of the Interpretation Act 1978 (service of documents by post) a letter containing—
- (a) a notice to be served on any person in pursuance of subsection (2) above, or
  - (b) a notice required or authorised to be served under Part I on a representative person within the meaning of that Part,
- shall be deemed to be properly addressed if it is addressed to that person at the address for the time being recorded in relation to him in the appropriate register; and a letter containing any other notice to which subsection (1) above applies shall be deemed to be properly addressed if it is addressed to the last-known address of the person to be served (whether of his residence or of a place where he carries on business).
- (4) In this section—
- “the appropriate register”—
  - (a) in relation to a notice in respect of a registered ship, means the register in which the ship is registered under Part I of the 1894 Act, and
  - (b) in relation to a notice in respect of a registered fishing vessel, means the register kept under Part II of this Act;
- “registered ship” means a ship registered under Part I of the 1894 Act;  
“registered fishing vessel” means a fishing vessel registered under Part II of this Act; and  
“registered owner” means an owner registered under Part I of the 1894 Act or Part II of this Act, as the case may be.

## **55 Financial provisions**

- (1) There shall be paid out of money provided by Parliament any expenses incurred by the Secretary of State in consequence of the provisions of this Act.
- (2) Any sums received by the Secretary of State by virtue of this Act shall (subject to subsection (3)) be paid into the Consolidated Fund.
- (3) Subsection (2) does not apply to—
  - (a) any sums required by virtue of any other provision of this Act to be paid into the General Lighthouse Fund, or
  - (b) any sums paid to the Secretary of State out of that fund under section 2A(1) of the Merchant Shipping (Mercantile Marine Fund) Act 1898.

## **56 Extension of Act to overseas territories**

- (1) Her Majesty may by Order in Council direct that any of the provisions of this Act or any instrument made under it shall extend, with such modifications (if any) as may be specified in the Order, to any relevant overseas territory.
- (2) An Order in Council under this section may make such transitional, incidental or supplementary provision as appears to Her Majesty to be necessary or expedient.

- (3) Without prejudice to the generality of subsection (2), an Order in Council under this section may, in its application to any relevant overseas territory, provide for such authority in that territory as is specified in the Order to furnish the Secretary of State with such information with respect to—
- (a) the registration of ships under Part I of the 1894 Act in that territory, or
  - (b) other matters relating to merchant shipping,
- as is specified in the Order or as the Secretary of State may from time to time require, and for any such information to be so furnished at such time or times and in such manner as is or are so specified or (as the case may be) as the Secretary of State may so require.

## **57 Interpretation, minor and consequential amendments and repeals**

- (1) This Act shall be construed as one with the Merchant Shipping Acts 1894 to 1986.
- (2) In this Act—
- “the 1894 Act” means the Merchant Shipping Act 1894;
  - “country” includes any territory;
  - “the Merchant Shipping Acts” means the Merchant Shipping Acts 1894 to 1986 and this Act;
  - “modifications” includes additions, omissions and alterations;
  - “relevant overseas territory” means—
- (a) the Isle of Man,
  - (b) any of the Channel Islands, or
  - (c) any colony;
- “statutory provision” means any provision contained in or having effect under any enactment.
- (3) In the application of this Act to Scotland any reference to a defendant shall be construed as a reference to a defender.
- (4) The enactments mentioned in Schedule 6 shall have effect subject to the minor and consequential amendments specified in that Schedule.
- (5) The enactments mentioned in Schedule 7 are hereby repealed to the extent specified in the third column of that Schedule.

## **58 Citation, commencement, transitional provisions and extent**

- (1) This Act may be cited as the Merchant Shipping Act 1988; and this Act and the Merchant Shipping Acts 1894 to 1986 may be cited together as the Merchant Shipping Acts 1894 to 1988.
- (2) This Act, except Part II, shall come into force on such day as the Secretary of State may appoint by order made by statutory instrument, and different days may be appointed for different provisions or for different purposes.
- (3) Part II of this Act shall come into force on the date of the coming into force of the first regulations made under section 13.
- (4) The transitional provisions and savings contained in Schedule 8 to this Act shall have effect; and the Secretary of State may by order made by statutory instrument make such

transitional, incidental, supplemental, consequential or saving provision as appears to him to be necessary or expedient in connection with the coming into force of any provision of this Act or the operation of any enactment which is repealed or amended by a provision of this Act during any period when the repeal or amendment is not wholly in force.

- (5) With the exception of—  
sections 36 and 37,  
section 45, and  
section 57(4) and (5) and Schedules 6 and 7 so far as they amend or repeal any enactment which does not extend to Northern Ireland,  
this Act extends to Northern Ireland.