

SCHEDULES

SCHEDULE 6

Section 57(4).

MINOR AND CONSEQUENTIAL AMENDMENTS

Sea Fisheries Act 1868 (c. 45)

For section 26 substitute—

“26 Registered fishing boats and foreign fishing boats within British waters to have official papers

- (1) The master of every sea-fishing boat which is registered under Part II of the Merchant Shipping Act 1988 shall (whether his boat is within British waters or not) have on board the certificate of registration issued in pursuance of that Part of that Act.
- (2) The master of every foreign sea-fishing boat within British waters shall have on board official papers evidencing its nationality.
- (3) If any person, without reasonable excuse (the proof of which lies on him), contravenes subsection (1) or (2) of this section, he shall be liable on summary conviction to a fine not exceeding the second level on the standard scale; and where a fine is imposed under this subsection on the master of a foreign sea-fishing boat the court may order the boat to be detained for a period not exceeding three months from the date of the conviction or until the fine is paid (whichever period is the shorter).
- (4) Section 8(4) of the Sea Fisheries Act 1968 (power of British sea-fishery officer to take fishing boat to nearest port and detain it there) shall apply in relation to a contravention of subsection (1) or (2) of this section as it applies in relation to such a contravention as is mentioned in that provision.
- (5) In this section—
 - “British waters” means waters within the seaward limits of the territorial sea adjacent to the United Kingdom, the Channel Islands and the Isle of Man;
 - “foreign sea-fishing boat” means a sea-fishing boat which—
 - (a) is not registered in the United Kingdom, the Channel Islands or the Isle of Man, and
 - (b) is not excluded from registration by regulations under section 13 of the Merchant Shipping Act 1988, and
 - (c) is not wholly owned by persons qualified to be owners of British ships for the purposes of Part I of the Merchant Shipping Act 1894;
 - “master” includes, in relation to any sea-fishing boat, a person for the time being in command or charge of the boat.”

Merchant Shipping Act 1894 (c. 60)

1 In section 459 (power to detain unsafe ships, and procedure for detention)—

Status: This is the original version (as it was originally enacted).

- (a) in subsection (1), for the words from “the defective condition” to “improper loading” substitute “any of the matters mentioned in subsection (1A) of this section”;
- (b) after that subsection insert—

“(1A) The matters referred to in subsection (1) of this section are—

- (a) the condition, or the unsuitability for its purpose, of—
 - (i) the ship or its machinery or equipment, or
 - (ii) any part of the ship or its machinery or equipment;
- (b) undermanning;
- (c) overloading or unsafe or improper loading;
- (d) any other matter relevant to the safety of the ship;

and the reference in that subsection to proceeding to sea shall, in a case where the service for which the ship is intended consists of going on voyages or excursions that do not involve going to sea, be construed as a reference to going on such a voyage or excursion.”;

and

- (c) in subsection (5), for “British register being subsequently closed” substitute “subsequently ceasing to be a British ship”.

2 In section 462 (application to foreign ships of provisions as to detention), for the words from “by reason of” (where first occurring) to “the provisions” substitute “by reason of any of the matters mentioned in section 459(1A) of this Act, the provisions”.

3 In section 692 (enforcing detention of ship), at the end add—

“(5) Any reference in this section to proceeding to sea includes a reference to going on a voyage or excursion that does not involve going to sea, and references to sending or taking to sea shall be construed accordingly.”

Merchant Shipping Act 1906 (c. 48)

Omit section 51 (power of Commissioners of Customs and Excise to inquire into the title of a registered ship to be registered).

Merchant Shipping (Amendment) Act 1920 (c. 2)

In section 1 (amendment of s.659 of the 1894 Act)—

- (a) for the words from “His Majesty” to “fix” substitute “the Secretary of State under section 659 of the Merchant Shipping Act 1894 to determine”; and
- (b) for “fixing” and “fixed” substitute “determining” and “determined” respectively.

Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 (c. 19)

In section 6(1)(c) (excluded categories of employees), for the words from “required” to “Act” substitute “registered under Part II of the Merchant Shipping Act 1988”.

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

Merchant Shipping Act 1965 (c. 47)

In section 1(4) (tonnage regulations), for the words from “section 83” to “the Exchequer” substitute “sections 83 and 676 of the principal Act as require the payment of fees into the Consolidated Fund”.

Sea Fish (Conservation) Act 1967 (c. 84)

In section 1(9) (size limits, etc. for fish), for the words from “exempted” to “that Act)” substitute “excluded from registration by regulations under section 13 of the Merchant Shipping Act 1988 or owned wholly by a person who is (within the meaning of Part I of the Merchant Shipping Act 1894)”.

Sea Fisheries Act 1968 (c. 77)

In section 19(1) (interpretation), in the definition of “British fishing boat”, for the words from “exempted from” to “1894” (where first occurring) substitute “excluded from registration by regulations under section 13 of the Merchant Shipping Act 1988”, and for “so exempted” substitute “so excluded”.

Fishing Vessels (Safety Provisions) Act 1970 (c. 27)

In section 9(1) (interpretation), for the definition of “fishing vessel” substitute—
““fishing vessel” means a fishing vessel within the meaning of Part II of the Merchant Shipping Act 1988;”.

Merchant Shipping Act 1970 (c. 36)

1 In section 33 (defence of drug taken for medical purposes), after “27” insert “(2)”.

2 In section 56 (formal investigation into shipping casualty)—

(a) for subsection (1) substitute—

“(1) Where any accident has occurred, the Secretary of State may (whether or not an investigation into it has been carried out under section 33 of the Merchant Shipping Act 1988) cause a formal investigation into the accident to be held—

(a) if in England, Wales or Northern Ireland, by a wreck commissioner, and

(b) if in Scotland, by the sheriff;

and in this section “accident” means any accident to which regulations under that section apply or any incident or situation to which any such regulations apply by virtue of subsection (5) of that section.

(1A) A wreck commissioner or sheriff holding a formal investigation shall conduct it in accordance with rules under section 58(1) of this Act; and those rules shall require the assistance of one or more assessors and, if any question as to the cancellation or suspension of an officer’s certificate is likely, the assistance of not less than two assessors.”; and

(b) in subsection (4), for “casualty” substitute “accident”.

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

- 3 In section 58(1) (rules as to inquiries etc.), for “55” substitute “56”.
- 4 In section 67 (application of sections 62 to 66 to masters), for “66” substitute “64”.
- 5 In section 95 (fishing vessels)—
- (a) in subsection (1), for “sections 6 and 30(a) and (b)” substitute “section 6”;
 - and
 - (b) for subsection (6) substitute—
- “(6) In this Act “fishing vessel” means a fishing vessel within the meaning of Part II of the Merchant Shipping Act 1988.”

Fishery Limits Act 1976 (c. 86)

- In section 8 (interpretation), in the definition of “foreign fishing boat”, for paragraphs (b) and (c) substitute—
- “(b) excluded from registration by regulations under section 13 of the Merchant Shipping Act 1988; or
 - (c) owned wholly by one or more qualified persons or companies within the meaning of section 14 of the Merchant Shipping Act 1988;”.

Employment Protection (Consolidation) Act 1978 (c. 44)

- In section 144(1)(b) (mariners), for the words from “required to be” to “1894” substitute “registered under Part II of the Merchant Shipping Act 1988”.

Customs and Excise Management Act 1979 (c. 2)

- In section 81(7) (power to regulate small craft), for the words from “fishing boat” (where first occurring) to “1894” substitute “fishing vessel registered under Part II of the Merchant Shipping Act 1988”.

Merchant Shipping Act 1979 (c. 39)

- 1 In section 20(3)(a) (prevention of pollution from ships etc.), for “55” substitute “56”.
- 2 In section 28(7)(b) (supplementary provisions about inspectors), for “sections 55(2) and” substitute “section”.
- 3 In section 47(2) (power to extend Act to certain countries, etc.) for “to 44” substitute “, 43”.
- 4 In paragraph 8 of Part VI of Schedule 6 (miscellaneous penalties on summary conviction)—
- (a) for “, 62(6) and 65(3)” substitute “and 62(6)”; and
 - (b) for the words from “, the return” to “deceased seamen” substitute “and the return of seamen left overseas”.

Supreme Court Act 1981 (c. 54)

- In section 20(5)(b) (Admiralty jurisdiction of High Court), after “Fund” insert “, or on the International Oil Pollution Compensation Fund 1984,”.

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

British Fishing Boats Act 1983 (c. 8)

In section 9 (interpretation), in the definition of “British fishing boat”, for the words from “exempted” to “that Act)” substitute “ excluded from registration by regulations under section 13 of the Merchant Shipping Act 1988 or owned wholly by a person who is (within the meaning of Part I of the Merchant Shipping Act 1894)”.

Merchant Shipping Act 1983 (c. 13)

- 1 In section 5 (registration of small ships)—
 - (a) in subsection (5), omit “book”; and
 - (b) in subsection (9), for the definition of “fishing vessel” substitute—

““fishing vessel” means a fishing vessel within the meaning of Part II of the Merchant Shipping Act 1988.”
- 2 In section 9(1) (small ships: amendments of Merchant Shipping Acts), omit “any registered ship measured for length or”.

Merchant Shipping Act 1984 (c. 5)

At the end of Schedule 1 (statutory provisions which are relevant for the purpose of serving notices in connection with safety and other matters), insert—

“1988 c. 12.	The Merchant Shipping Act	Section 35.”
	1988.	

Inshore Fishing (Scotland) Act 1984 (c. 26)

In section 9(1) (interpretation), in the definition of “British fishing boat”, for the words from “exempted” to “that Act)” substitute “excluded from registration by regulations under section 13 of the Merchant Shipping Act 1988 or owned wholly by a person who is (within the meaning of Part I of the Merchant Shipping Act 1894)”.

Safety at Sea Act 1986 (c. 23)

In section 13(1) (interpretation), for the definition of “fishing vessel” substitute—

““fishing vessel” means a fishing vessel within the meaning of Part II of the Merchant Shipping Act 1988;”.