

SCHEDULES

SCHEDULE 2

Section 1(6).

SALVAGE: CONSEQUENTIAL AND RELATED AMENDMENTS

Merchant Shipping Act 1894

- 1 (1) The Merchant Shipping Act 1894 shall be amended as follows.
- (2) Sections 544, 545 and 546 shall cease to have effect.
- (3) In section 552(4), for “two hundred pounds” there shall be substituted “£5,000”.
- (4) In section 555, after subsection (2), there shall be inserted the following subsection—
 - “(2A) Any decision by the receiver under subsection (2) above shall be made on the basis of the criteria contained in article 13 of the International Convention on Salvage, 1989 as set out in Part I of Schedule 1 to the Merchant Shipping (Salvage and Pollution) Act 1994.”
- (5) In section 556, at the end, there shall be inserted the following paragraph—

“Any decision by the court under the foregoing provisions of this section shall be made on the basis of the criteria contained in article 13 of the International Convention on Salvage, 1989 as set out in Part I of Schedule 1 to the Merchant Shipping (Salvage and Pollution) Act 1994.”

Maritime Conventions Act 1911

- 2 (1) The Maritime Conventions Act 1911 shall be amended as follows.
- (2) Sections 6 and 7 shall cease to have effect.
- (3) In section 8 the words “or in respect of any salvage services” and “or the salvage services were rendered” shall be omitted.

Crown Proceedings Act 1947

- 3 In section 8(1) of the Crown Proceedings Act 1947, for the words “the provisions of this Act” there shall be substituted the words “section 29 (so far as consistent with the International Convention on Salvage, 1989 as set out in Schedule 1 to the Merchant Shipping (Salvage and Pollution) Act 1994)” and for the words “five hundred and fifty-four” there shall be substituted the words “five hundred and fifty-three”.

Administration of Justice Act 1956

- 4 (1) The Administration of Justice Act 1956 shall be amended as follows.

Status: This is the original version (as it was originally enacted).

(2) In section 47—

(a) in subsection (2) for paragraph (c) there shall be substituted the following paragraphs—

“(c) the Salvage Convention, 1989;

(ca) any contract for or in relation to salvage services;” and

(b) after subsection (7) there shall be added the following subsection—

“(8) In—

(a) paragraph (c) of subsection (2) above, the “Salvage Convention, 1989” means the International Convention on Salvage 1989 as it has effect under section 1 of the Merchant Shipping (Salvage and Pollution) Act 1994;

(b) paragraph (ca) of that subsection, the reference to salvage services includes services rendered in saving life from a ship and the reference to any claim arising out of any contract for or in relation to salvage services includes any claim arising out of such a contract whether or not arising during the provision of such services,

and the claims mentioned in subsections (2)(c) and (ca) shall be construed as including claims available by virtue of section 87 of the Civil Aviation Act 1982.”

(3) In section 48, paragraph (e) shall be omitted.

Merchant Shipping Act 1979

5 In Schedule 4 to the Merchant Shipping Act 1979, in Part II, in paragraph 4, there shall be inserted the following as sub-paragraph (1)—

“(1) The claims excluded from the Convention by paragraph (a) of article 3 include claims under article 14 of the International Convention on Salvage, 1989 as set out in Part I of Schedule 1 to the Merchant Shipping (Salvage and Pollution) Act 1994 and corresponding claims under a contract.”; and sub-paragraphs (1) and (2) shall become sub-paragraphs (2) and (3) of that paragraph.

Supreme Court Act 1981

6 (1) Section 20 of the Supreme Court Act 1981 shall be amended as follows.

(2) In subsection (2), for paragraph (j) there shall be substituted the following paragraph—

“(j) any claim—

(i) under the Salvage Convention 1989;

(ii) under any contract for or in relation to salvage services; or

(iii) in the nature of salvage not falling within (i) or (ii) above;

or any corresponding claim in connection with an aircraft;”.

(3) For subsection (6), there shall be substituted the following subsection—

“(6) In subsection (2)(j)—

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

- (a) the “Salvage Convention 1989” means the International Convention on Salvage, 1989 as it has effect under section 1 of the Merchant Shipping (Salvage and Pollution) Act 1994;
- (b) the reference to salvage services includes services rendered in saving life from a ship and the reference to any claim under any contract for or in relation to salvage services includes any claim arising out of such a contract whether or not arising during the provision of the services;
- (c) the reference to a corresponding claim in connection with an aircraft is a reference to any claim corresponding to any claim mentioned in sub-paragraph (i) or (ii) of paragraph (j) which is available under section 87 of the Civil Aviation Act 1982.”

County Courts Act 1984

- 7 (1) Section 27 of the County Courts Act 1984 shall be amended as follows.
- (2) In subsection (1), for paragraph (f) there shall be substituted the following paragraph—
- “(f) any claim—
 - (i) under the Salvage Convention 1989;
 - (ii) under any contract for or in relation to salvage services; or
 - (iii) in the nature of salvage not falling within (i) or (ii) above; or any corresponding claim in connection with an aircraft;”.
- (3) In subsection (2), for the words “in the nature of salvage” there shall be substituted the words “falling within paragraph (f) of that subsection”.
- (4) For subsection (3), there shall be substituted the following subsection—
- “(3) In subsection (1)(f)—
- (a) the “Salvage Convention 1989” means the International Convention on Salvage, 1989 as it has effect under section 1 of the Merchant Shipping (Salvage and Pollution) Act 1994;
 - (b) the reference to salvage services includes services rendered in saving life from a ship and the reference to any claim under any contract for or in relation to salvage services includes any claim arising out of such a contract whether or not arising during the provision of the services;
 - (c) the reference to a corresponding claim in connection with an aircraft is a reference to any claim corresponding to any claim mentioned in sub-paragraph (i) or (ii) of paragraph (f) which is available under section 87 of the Civil Aviation Act 1982.”