



Merchant Shipping Act 1995

1995 CHAPTER 21

PART IV

SAFETY

Assistance at sea

92 Duty of ship to assist the other in case of collision

- (1) In every case of collision between two ships, it shall be the duty of the master of each ship, if and so far as he can do so without danger to his own ship, crew and passengers (if any)—
 - (a) to render to the other ship, its master, crew and passengers (if any) such assistance as may be practicable, and may be necessary to save them from any danger caused by the collision, and to stay by the other ship until he has ascertained that it has no need of further assistance; and
 - (b) to give to the master of the other ship the name of his own ship and also the names of the ports from which it comes and to which it is bound.
- (2) The duties imposed on the master of a ship by subsection (1) above apply to the masters of United Kingdom ships and to the masters of foreign ships when in United Kingdom waters.
- (3) The failure of the master of a ship to comply with the provisions of this section shall not raise any presumption of law that the collision was caused by his wrongful act, neglect, or default.
- (4) If the master fails without reasonable excuse to comply with this section, he shall—
 - (a) in the case of a failure to comply with subsection (1)(a) above, be liable—
 - (i) on summary conviction, to a fine not exceeding £50,000 or imprisonment for a term not exceeding six months or both;
 - (ii) on conviction on indictment, to a fine or imprisonment for a term not exceeding two years or both; and
 - (b) in the case of a failure to comply with subsection (1)(b) above, be liable—

Status: This is the original version (as it was originally enacted).

- (i) on summary conviction, to a fine not exceeding the statutory maximum;
 - (ii) on conviction on indictment, to a fine;
- and in either case if he is a certified officer, an inquiry into his conduct may be held, and his certificate cancelled or suspended.

93 Duty to assist ships, etc. in distress

- (1) The master of a ship, on receiving at sea a signal of distress or information from any source that a ship or aircraft is in distress, shall proceed with all speed to the assistance of the persons in distress (informing them if possible that he is doing so) unless he is unable, or in the special circumstances of the case considers it unreasonable or unnecessary, to do so, or unless he is released from this duty under subsection (4) or (5) below.
- (2) Where the master of any ship in distress has requisitioned any ship that has answered his call, it shall be the duty of the master of the requisitioned ship to comply with the requisition by continuing to proceed with all speed to the assistance of the persons in distress.
- (3) The duties imposed on the master of a ship by subsections (1) and (2) above apply to the masters of United Kingdom ships and to the masters of foreign ships when in United Kingdom waters.
- (4) A master shall be released from the duty imposed by subsection (1) above as soon as he is informed of the requisition of one or more ships other than his own and that the requisition is being complied with by the ship or ships requisitioned.
- (5) A master shall be released from the duty imposed by subsection (1) above, and, if his ship has been requisitioned, from the duty imposed by subsection (2) above, if he is informed by the persons in distress, or by the master of any ship that has reached the persons in distress, that assistance is no longer required.
- (6) If a master fails to comply with the preceding provisions of this section he shall be liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or both.
- (7) Compliance by the master of a ship with the provisions of this section shall not affect his right, or the right of any other person, to salvage.