Changes to legislation: *Merchant Shipping Act 1995, Part II is up to date with all changes known to be in force on or before 21 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULES

[F1]SCHEDULE 11

INTERNATIONAL CONVENTION ON SALVAGE 1989

Textual Amendments

F1 Sch. 11 extended (with modifications) to Jersey (22.8.1997) by S.I. 1997/1773, art. 2, **Sch.**
Sch. 11 extended (with modifications) to each territory as stated in Sch. 1 of the amending S.I. (30.11.1997) by S.I. 1997/2586, art. 2, Schs. 1, **2**

PART II

PROVISIONS HAVING EFFECT IN CONNECTION WITH CONVENTION

Interpretation

1 In this Part of this Schedule "the Convention" means the Convention as set out in Part I of this Schedule and any reference to a numbered article is a reference to the article of the Convention which is so numbered.

Claims excluded from Convention

2 (1) The provisions of the Convention do not apply—

(a) to a salvage operation which takes place in inland waters of the United Kingdom and in which all the vessels involved are of inland navigation; and

(b) to a salvage operation which takes place in inland waters of the United Kingdom and in which no vessel is involved.

(2) In this paragraph "inland waters" does not include any waters within the ebb and flow of the tide at ordinary spring tides or the waters of any dock which is directly or (by means of one or more other docks) indirectly, connected with such waters.

Assistance to persons in danger at sea

3 (1) The master of a vessel who fails to comply with the duty imposed on him by article 10, paragraph 1 commits an offence and shall be liable—

(a) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both;

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine, or both.

(2) Compliance by the master of a vessel with that duty shall not affect his right or the right of any other person to a payment under the Convention or under any contract.

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The reward and special compensation: the common understanding

4 In fixing a reward under article 13 and assessing special compensation under article 14 the court or arbitrator (or, in Scotland, arbiter) is under no duty to fix a reward under article 13 up to the maximum salved value of the vessel and other property before assessing the special compensation to be paid under article 14.

Recourse for life salvage payment

5 (1) This paragraph applies where—

(a) services are rendered wholly or in part in United Kingdom waters in saving life from a vessel of any nationality or elsewhere in saving life from any United Kingdom ship; and

(b) either—

(i) the vessel and other property are destroyed, or

(ii) the sum to which the salvor is entitled under article 16, paragraph 2 is less than a reasonable amount for the services rendered in saving life.

(2) Where this paragraph applies, the Secretary of State may, if he thinks fit, pay to the salvor such sum or, as the case may be, such additional sum as he thinks fit in respect of the services rendered in saving life.

Meaning of "judicial proceedings"

6 References in the Convention to judicial proceedings are references to proceedings—

(a) in England and Wales, in the High Court or the county court;

(b) in Scotland, in the Court of Session or in the sheriff court;

(c) in Northern Ireland, in the High Court;

and any reference to the tribunal having jurisdiction (so far as it refers to judicial proceedings) shall be construed accordingly.

Meaning of "State Party"

7 (1) An Order in Council made for the purposes of this paragraph and declaring that any State specified in the Order is a party to the Convention in respect of a specified country shall, subject to the provisions of any subsequent Order made for those purposes, be conclusive evidence that the State is a party to the Convention in respect of that country.

(2) In this paragraph "country" includes "territory".

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View outstanding changes

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 145(2)(a)(ia) inserted by 2003 c. 44 Sch. 36 para. 13(2)
- s. 145(2)(a)(ia) words substituted by 2015 c. 2 Sch. 11 para. 16(2) (This amendment not applied to legislation.gov.uk. The insertion of s. 145(2)(a)(ia) by 2003 c. 44, Sch. 36 para. 13 is still prospective.)
- s. 145(2A) inserted by 2003 c. 44 Sch. 36 para. 13(3)
- s. 145(2A) words substituted by 2015 c. 2 Sch. 11 para. 16(3) (This amendment not applied to legislation.gov.uk. The insertion of s. 145(2A) by 2003 c. 44, Sch. 36 para. 13 is still prospective.)