Merchant Shipping Act 1995

1995 CHAPTER 21

PART I

BRITISH SHIPS

2 British flag.

(1) The flag which every British ship is entitled to fly is the red ensign (without any defacement or modification) and, subject to subsections (2) and (3) below, no other colours.

(2) Subsection (1) above does not apply to Government ships.

(3) The following are also proper national colours, that is to say—

   (a) any colours allowed to be worn in pursuance of a warrant from Her Majesty or from the Secretary of State;

   (b) in the case of British ships registered in a relevant British possession, any colours consisting of the red ensign defaced or modified whose adoption for ships registered in that possession is authorised or confirmed by Her Majesty by Order in Council.

(4) Any Order under subsection (3)(b) above shall be laid before Parliament after being made.
### Changes to legislation:
There are outstanding changes not yet made by the legislation.gov.uk editorial team to Merchant Shipping Act 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations.

### Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
- Act power to modify or apply conferred by 2006 c. 8 s. 1(5)(b)
- Act words substituted by 2005 c. 4 Sch. 11 para. 6
- Blanket Amendment words substituted by 2005 c. 4 Sch. 11 para. 1(2)
- Blanket Amendment words substituted by 2005 c. 4 Sch. 11 para. 5
- Blanket amendment words substituted by S.I. 2011/1043 art. 36

### Whole provisions yet to be inserted into this Act (including any effects on those provisions):
- Pt. 9A inserted by 2011 c. 8 s. 1(2)
- s. 24(2A) inserted by S.I. 2014/1614 reg. 2(2)
- s. 24(2A)(a) omitted by S.I. 2018/1109 reg. 2(2)
- s. 47(4A)(4B) inserted by 2013 c. 23 s. 10
- s. 70(5) inserted by S.I. 2014/1614 reg. 2(5)
- s. 85(8) added by 2006 c. 28 s. 5(4)
- s. 108A inserted by 2003 c. 16 s. 1(1)
- s. 128(1)(da) inserted by 2006 c. 8 s. 2(2)
- s. 130(a) words substituted by S.I. 2015/664 Sch. 4 para. 88(a)
- s. 130(b) words substituted by S.I. 2015/664 Sch. 4 para. 88(b)
- s. 131(A1) inserted by S.I. 2009/1210 reg. 3(2)
- s. 131(3A) inserted by S.I. 2009/1210 reg. 3(5)
- 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)
- 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)
- s. 153(2A) inserted by S.I. 2006/1244 reg. 4(4) (This amendment comes into force on the day on which the International Convention on Civil Liability for Bunker Oil Pollution Damage 2001 comes into force in respect of the United Kingdom. That Convention came into force on 21.11.2008 as notified in the Gazettes)
- s. 153A inserted by S.I. 2006/1244 reg. 5 (This amendment comes into force on the day on which the International Convention on Civil Liability for Bunker Oil Pollution Damage 2001 comes into force in respect of the United Kingdom. That Convention came into force on 21.11.2008 as notified in the Gazettes)
- s. 154(2A)(2B) inserted by S.I. 2006/1244 reg. 6(6) (This amendment comes into force on the day on which the International Convention on Civil Liability for Bunker Oil Pollution Damage 2001 comes into force in respect of the United Kingdom. That Convention came into force on 21.11.2008 as notified in the Gazettes)
- s. 156(2A)(2B) inserted by S.I. 2006/1244 reg. 8(5) (This amendment comes into force on the day on which the International Convention on Civil Liability for Bunker Oil Pollution Damage 2001 comes into force in respect of the United Kingdom. That Convention came into force on 21.11.2008 as notified in the Gazettes)
- s. 156A inserted by S.I. 2006/1244 reg. 9 (This amendment comes into force on the day on which the International Convention on Civil Liability for Bunker Oil Pollution Damage 2001 comes into force in respect of the United Kingdom. That Convention came into force on 21.11.2008 as notified in the Gazettes)
- s. 163A inserted by S.I. 2006/1244 reg. 17 (This amendment comes into force on the day on which the International Convention on Civil Liability for Bunker Oil Pollution Damage 2001 comes into force in respect of the United Kingdom. That Convention came into force on 21.11.2008 as notified in the Gazettes)
- s. 163A(8) words substituted by S.I. 2009/1941 Sch. 1 para. 152(3)
- s. 164(1A) inserted by S.I. 2006/1244 reg. 18(3) (This amendment comes wholly into force on the day on which the International Convention on Civil Liability...

- s. 164(1A) words omitted by S.I. 2016/1061 art. 2(a)
- s. 164(2A) inserted by S.I. 2016/1061 art. 2(b)
- s. 165(1A)(1B) inserted by S.I. 2006/1244 reg. 19(3) (This amendment comes into force on the day on which the International Convention on Civil Liability for Bunker Oil Pollution Damage 2001 comes into force in respect of the United Kingdom. That Convention came into force on 21.11.2008 as notified in the Gazettes)
- s. 165(4A)-(4C) inserted by S.I. 2006/1244 reg. 19(7) (This amendment comes into force on the day on which the International Convention on Civil Liability for Bunker Oil Pollution Damage 2001 comes into force in respect of the United Kingdom. That Convention came into force on 21.11.2008 as notified in the Gazettes)
- s. 166(3A)(3B) inserted by S.I. 2006/1244 reg. 20(3) (This amendment comes into force on the day on which the International Convention on Civil Liability for Bunker Oil Pollution Damage 2001 comes into force in respect of the United Kingdom. That Convention came into force on 21.11.2008 as notified in the Gazettes)
- s. 167(4) added by S.I. 2006/1244 reg. 21(3) (This amendment comes into force on the day on which the International Convention on Civil Liability for Bunker Oil Pollution Damage 2001 comes into force in respect of the United Kingdom. That Convention came into force on 21.11.2008 as notified in the Gazettes)
- s. 172(1)(e)-(g) inserted by S.I. 2006/1265 art. 3(a) (This amendment comes into force on which the Supplementary Fund Protocol enters into force in respect of the United Kingdom. That protocol came into force on 8.9.2006 as notified in the Gazettes)
- s. 172(3) inserted by S.I. 2006/1265 art. 3(b) (This amendment comes into force on which the Supplementary Fund Protocol enters into force in respect of the United Kingdom. That protocol came into force on 8.9.2006 as notified in the Gazettes)
- s. 173(3)(b) and word inserted by S.I. 2006/1265 art. 4(3)(b) (This amendment comes into force on which the Supplementary Fund Protocol enters into force in respect of the United Kingdom. That protocol came into force on 8.9.2006 as notified in the Gazettes)
- s. 176A176B inserted by S.I. 2006/1265 art. 6 (This amendment comes into force on which the Supplementary Fund Protocol enters into force in respect of the United Kingdom. That protocol came into force on 8.9.2006 as notified in the Gazettes)
- s. 177(4)-(6) substituted for s. 177(4)(5) by S.I. 2006/1265 art. 7(4) (This amendment comes into force on which the Supplementary Fund Protocol enters into force in respect of the United Kingdom. That protocol came into force on 8.9.2006 as notified in the Gazettes)
- s. 178(3)(4) inserted by S.I. 2006/1265 art. 8 (This amendment comes into force on which the Supplementary Fund Protocol enters into force in respect of the United Kingdom. That protocol came into force on 8.9.2006 as notified in the Gazettes)
- s. 179(1A) inserted by S.I. 2006/1265 art. 9(a) (This amendment comes into force on which the Supplementary Fund Protocol enters into force in respect of the United Kingdom. That protocol came into force on 8.9.2006 as notified in the Gazettes)
- s. 180(3) inserted by S.I. 2006/1265 art. 10 (This amendment comes into force on which the Supplementary Fund Protocol enters into force in respect of the United Kingdom. That protocol came into force on 8.9.2006 as notified in the Gazettes)
- s. 183(2A) inserted by S.I. 2012/3152 reg. 14(2)
- s. 183(8) inserted by S.I. 2012/3152 reg. 14(4)
- s. 192A(b) words substituted by S.I. 2015/664 Sch. 4 para. 89(a)
- s. 192A(c) words substituted by S.I. 2015/664 Sch. 4 para. 89(b)
- s. 197A inserted by 2013 c. 23 s. 8(1)
- s. 214(1) s. 214 renumbered as s. 214(1) by 2013 c. 25 Sch. 8 para. 21(2)
- s. 214(2) inserted by 2013 c. 25 Sch. 8 para. 21(3)
- s. 221(2A) inserted by S.I. 2003/2867 Sch. para. 24(2)
- s. 221(4A)-(4C) inserted by S.I. 2003/2867 Sch. para. 24(3)
### Commencement Orders yet to be applied to the Merchant Shipping Act 1995

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2003/3142 art. 2-4 Sch. 12 commences (2003 c. 21)
- S.I. 2004/827 art. 2-4 commences (2003 c. 20)
- S.I. 2004/2304 art. 2 commences (2004 c. 21)
- S.I. 2004/2917 art. 2 commences (2004 c. 21)
- S.I. 2005/910 art. 3 commences (2003 c. 39)
- S.I. 2005/1126 art. 2 commences (2005 c. 11)
- S.I. 2006/1014 art. 2 Sch. 12 commences (2005 c. 4)
- S.I. 2007/204 art. 2-4 commences (2006 c. 28)
- S.I. 2007/1030 art. 2 commences (2006 c. 45)
- S.I. 2007/1375 art. 2 commences (2006 c. 28)
- S.I. 2008/1653 art. 2 commences (2007 c. 15)
- S.I. 2009/1604 art. 2 commences (2005 c. 4)
- S.I. 2009/3345 art. 2 Sch. commences (2009 c. 23)
- S.I. 2010/298 art. 2 Sch. commences (2009 c. 23)
- S.I. 2011/2329 art. 23 commences (2011 c. 5)
- S.S.I. 2005/392 art. 2 commences (2005 asp 5)
- S.S.I. 2011/268 art. 3 commences (2011 asp 7)
- S.R. 2006/257 art. 2 commences (S.I. 2006/1254 (N.I.))