



Merchant Shipping Act 1995

1995 CHAPTER 21

PART IX

SALVAGE AND WRECK

CHAPTER II

WRECK

Vessels in distress

235 Liability for damage in case of plundered vessel.

- (1) Where, in circumstances in which this section applies by virtue of section 231 in relation to any vessel, the vessel or any part of its cargo and equipment is plundered, damaged or destroyed by persons in circumstances in which those persons commit the offence of riot or, in Scotland, of mobbing and rioting, compensation shall be made to the owner of the vessel, cargo or equipment in accordance with the following provisions of this section.
- (2) Compensation under subsection (1) above in England and Wales shall be made by the [^{F1}appropriate local policing body] in the manner provided by the [^{F2}Riot Compensation Act 2016] with respect to claims for compensation under that Act.
- [^{F3}(2A) In subsection (2), “appropriate local policing body” has the same meaning as in the Riot Compensation Act 2016 (see section 1(3) of that Act).]
- (3) Where the vessel, cargo or equipment is not within a police area, the plundering, damage or destruction shall be treated for the purposes of subsection (2) above as taking place within the nearest police area.
- (4) Compensation under subsection (1) above in Scotland shall, as if entitlement to it arose under section 10 of the ^{M1}Riotous Assemblies (Scotland) Act 1822, be made by the council constituted under section 2 of the ^{M2}Local Government etc. (Scotland)

Changes to legislation: Merchant Shipping Act 1995, Section 235 is up to date with all changes known to be in force on or before 11 April 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

Act 1994 within whose area, or nearest to whose area, the plundering, damage or destruction took place.

- (5) Compensation under subsection (1) above in Northern Ireland shall be made in pursuance of an application under the ^{M3}Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971 as modified for the purposes of this section by the ^{M4}Transfer of Functions (Criminal Injuries to Vessels) (Northern Ireland) Order 1973.

Textual Amendments

- F1** Words in s. 235(2) substituted (E.W.) (6.4.2017) by Riot Compensation Act 2016 (c. 8), ss. 10(2)(a)(i), 12(1)(2); S.I. 2017/379, reg. 2
- F2** Words in s. 235(2) substituted (E.W.) (6.4.2017) by Riot Compensation Act 2016 (c. 8), ss. 10(2)(a)(ii), 12(1)(2); S.I. 2017/379, reg. 2
- F3** S. 235(2A) inserted (E.W.) (6.4.2017) by Riot Compensation Act 2016 (c. 8), ss. 10(2)(b), 12(1)(2); S.I. 2017/379, reg. 2

Marginal Citations

- M1** 1822 c. 33.
- M2** 1994 c. 39.
- M3** 1971 c. 38 (N.I.).
- M4** S.R. 1973 No. 56 (N.I.).

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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.)