



# Merchant Shipping and Maritime Security Act 1997

## CHAPTER 28

### MERCHANT SHIPPING AND MARITIME SECURITY ACT 1997

#### *Extension of powers to deal with emergencies at sea*

- 1 Temporary exclusion zones.
- 2 Powers of intervention where shipping accident threatens pollution.
- 3 Powers of intervention in cases of pollution by substances other than oil.
- 4 Powers of fire authorities.

#### *Pollution control and marine safety*

- 5 Waste reception facilities at harbours.
- 6 Indemnities in connection with counter-pollution measures.
- 7 Increased penalty for causing pollution, etc.
- 8 Safety regulations.
- 9 Inspection and detention of ships.
- 10 Power to require ships to be moved.
- 11 Ships receiving trans-shipped fish.
- 12 Preparation of plans under International Convention on Oil Pollution Preparedness, Response and Co-operation.

#### *Funding of maritime services*

- 13 Funding of maritime services.

#### *Liability and compensation*

- 14 Carriage of hazardous and noxious substances.
- 15 Limitation of liability.

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16 Compulsory insurance.

*Miscellaneous amendments of Merchant Shipping Act 1995*

- 17 Financial assistance for training.
- 18 Discharge books.
- 19 Powers of general lighthouse authorities.
- 20 Disclosure of information to general lighthouse authorities.
- 21 Certain duties not to apply to RNLI.
- 22 Disposal of unclaimed wreck.
- 23 Retention of documents by Registrar General.

*Protection of wrecks*

- 24 Implementation of international agreements relating to protection of wrecks.

*Maritime security, etc.*

- 25 Amendments of Aviation and Maritime Security Act 1990.
- 26 Piracy.

*International bodies concerned with maritime matters*

- 27 Application of s. 1 of International Organisations Act 1968 to International Oil Pollution Compensation Fund.
- 28 International Tribunal for the Law of the Sea.

*Supplementary*

- 29 Minor and consequential amendments, etc.
- 30 Extent and application.
- 31 Short title, interpretation and commencement.

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SCHEDULES

SCHEDULE 1 — Amendments of Merchant Shipping Act 1995 relating to inspection and detention of ships

*Meaning of “dangerously unsafe ship”*

- 1 (1) Section 94 of the 1995 Act (meaning of “dangerously...

*Power to detain dangerously unsafe ship*

- 2 (1) Section 95 of the 1995 Act (power to detain...

*Fishing vessel without appropriate certificate*

- 3 In section 125 of the 1995 Act (prohibition on fishing...

*Power to inspect ships and their equipment*

- 4 (1) Section 258 of the 1995 Act (powers to inspect...

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*Enforcing detention of ships*

5 (1) Section 284 of the 1995 Act (enforcing detention of...

*Powers of detention under provisions relating to load lines*

6 (1) Schedule 3 to the 1995 Act (load lines) is...

SCHEDULE 2 — Funding of maritime services

1 After section 302 of the 1995 Act there is inserted—...

2 After Schedule 11 to the 1995 Act there is inserted—...

SCHEDULE 3 — Provisions to be inserted as Schedule 5A to the Merchant Shipping Act 1995

SCHEDULE 4 — Amendments of Part III of Aviation and Maritime Security Act 1990

1 Part III of the Aviation and Maritime Security Act 1990...

*Meaning of “harbour area”*

2 In section 18 (purposes to which Part III applies), for...

*Designation of restricted zones*

3 (1) Section 20 (designation of restricted zones of harbour areas)...

*Power to promote searches*

4 (1) Section 22 (power to require harbour authorities to promote...

5 In section 23 (power to require other persons to promote...

*Removal of firearms*

6 In section 26(1) (direction not to require or authorise any...

*Inspection of ships and harbour areas*

7 In section 36(2) (powers of authorised person on inspection of...

*False statements*

8 In section 37 (false statements relating to baggage, cargo etc.),...

9 In section 38 (false statements in connection with identity documents),...

*Unauthorised presence in restricted zone*

10 (1) Section 39 (unauthorised presence in restricted zone) is amended...

*Meaning of “harbour”, “harbour authority” etc.*

11 (1) Section 46 (interpretation of Part III) is amended as...

SCHEDULE 5 — Provisions of United Nations Convention on the Law of the Sea to be treated as part of the law of nations

Article 101

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### *Definition of piracy*

Piracy consists of any of the following acts:

- (a) any illegal acts of violence or detention, or any...
  - (i) on the high seas, against another ship or aircraft,...
  - (ii) against a ship, aircraft, persons or property in a...
- (b) any act of voluntary participation in the operation of...
- (c) any act of inciting or of intentionally facilitating an...

Article 102

### *Piracy by a warship, government ship or government aircraft whose crew has mutinied*

The acts of piracy, as defined in article 101, committed...

Article 103

### *Definition of a pirate ship or aircraft*

A ship or aircraft is considered a pirate ship or...

## SCHEDULE 6 — Minor and consequential amendments

### *The Hovercraft Act 1968 (c. 59)*

- 1 In section 1(1)(i)(ii) of the Hovercraft Act 1968 (power to...

### *The Supreme Court Act 1981 (c. 54)*

- 2 In section 20 of the Supreme Court Act 1981 (Admiralty...

### *The Merchant Shipping Act 1995 (c. 21)*

- 3 (1) Section 128 of the 1995 Act (prevention of pollution...
- 4 (1) With respect to applications made after the commencement of...
- 5 In section 170 of the 1995 Act (interpretation of provisions...
- 6 In section 193 of the 1995 Act (general and local...
- 7 In section 197 of the 1995 Act (general powers of...
- 8 In section 201 of the 1995 Act (powers of harbour...
- 9 Section 202 of and Schedule 9 to the 1995 Act...
- 10 In section 203 of the 1995 Act (individual transfers of...
- 11 In section 204 of the 1995 Act (surrender of local...
- 12 In section 205 of the 1995 Act (light dues leviable...
- 13 In section 210 of the 1995 Act (light dues leviable...
- 14 In section 232 (duty of receiver where vessel in distress),...
- 15 In section 256 (appointment of inspectors and surveyors), in subsection...
- 16 In section 261 (improvement notices), in subsection (4)(a), after “130”...
- 17 In section 293 (functions of Secretary of State in relation...
- 18 (1) Section 306 of the 1995 Act (regulations, rules and...
- 19 (1) Section 313 of the 1995 Act (interpretation) is amended...
- 20 After section 313 of the 1995 Act there is inserted—...

## SCHEDULE 7 — Repeals and revocations

Part I — REPEALS

Part II — REVOCATIONS

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 2 repealed by [2003 c. 16 Sch. 3](#)
- s. 3 repealed by [2003 c. 16 Sch. 3](#)
- s. 4 repealed by [2005 asp 5 Sch. 4](#)
- s. 4 repealed by [2004 c. 21 Sch. 2](#)
- s. 10 repealed by [2003 c. 16 Sch. 3](#)
- s. 24(3)(b)(v) substituted by [S.I. 2009/1941 Sch. 1 para. 168](#)

**Changes and effects yet to be applied to the whole Act, associated Parts and Chapters:**

- Blanket amendment text amended by [S.I. 2011/1043 art. 3 6](#)
- Blanket Amendment words substituted by [2005 c. 4 Sch. 11 para. 1\(2\)](#)

**Commencement Orders yet to be applied to the Merchant Shipping and Maritime Security Act 1997:**

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2004/2304 art. 2](#) commences ([2004 c. 21](#))
- [S.I. 2004/2917 art. 2](#) commences ([2004 c. 21](#))
- [S.I. 2009/1604 art. 2](#) commences ([2005 c. 4](#))
- [S.S.I. 2005/392 art. 2](#) commences ([2005 asp 5](#))