



# Merchant Shipping and Maritime Security Act 1997

## 1997 CHAPTER 28

### *Liability and compensation*

#### **14 Carriage of hazardous and noxious substances.**

- (1) In Part VI of the 1995 Act (prevention of pollution), after Chapter IV there is inserted—

#### **“CHAPTER V**

#### **CARRIAGE OF HAZARDOUS AND NOXIOUS SUBSTANCES**

##### **182A Introductory.**

- (1) In this Chapter, unless the context otherwise requires, “the Convention” means the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea 1996.
- (2) The text of the Convention, excluding the annexes, is set out in Schedule 5A.
- (3) In interpreting the definition of “hazardous and noxious substances” in Article 1, paragraph 5 of the Convention, any reference in that paragraph to a particular convention or code as amended shall be taken to be a reference to that convention or code as amended from time to time (whether before or after the commencement of this Chapter).

##### **182B Power to give effect to Convention.**

- (1) Her Majesty may by Order in Council make such provision as She considers appropriate for the purpose of giving effect to—

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*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping and Maritime Security Act 1997, Section 14. (See end of Document for details)*

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- (a) the Convention on or after its ratification by the United Kingdom; or
  - (b) any revision of the Convention which appears to Her Majesty in Council to have been agreed to by the Government of the United Kingdom.
- (2) The power conferred by subsection (1) above to make provision for the purpose of giving effect to the Convention or an agreement revising the Convention includes power to provide for the provision to come into force even though the Convention or the agreement has not come into force.
- (3) Without prejudice to the generality of subsection (1) above, an Order under that subsection may include provision—
  - (a) requiring contributions to be paid in accordance with the Convention to the International Hazardous and Noxious Substances Fund established under the Convention;
  - (b) for applying for the purpose mentioned in subsection (1) above any enactment or instrument relating to the pollution of the sea or other waters (including provisions creating offences) with such modifications, if any, as may be prescribed by the Order;
  - (c) making such modifications of any enactment or instrument (including, where the Order is made under paragraph (b) of that subsection, modifications of Schedule 5A and section 182C) as appear to Her Majesty to be appropriate for the purpose specified in that subsection;
  - (d) with respect to the application of the Order to the Crown;
  - (e) for detaining any ship in respect of which a contravention of a provision made by or under the Order is suspected to have occurred and, in relation to such a ship, for applying section 284 with such modifications, if any, as are prescribed by the Order;
  - (f) for a certificate issued by or on behalf of the Secretary of State and stating that at a particular time a particular substance was, or was not, a hazardous or noxious substance for the purposes of the Convention to be conclusive evidence of that matter.
- (4) An Order under subsection (1) above may—
  - (a) make different provision for different circumstances;
  - (b) make provision for references in the Order to any specified document to operate as references to that document as revised or re-issued from time to time;
  - (c) provide for the delegation of functions exercisable by virtue of the Order;
  - (d) include such incidental, supplemental and transitional provisions as appear to Her Majesty to be expedient for the purposes of the Order; and
  - (e) authorise the making of regulations for the purposes of this section (except the purposes of subsection (3)(a), (b) and (c) above).
- (5) A draft of an Order in Council proposed to be made by virtue of this section shall not be submitted to Her Majesty in Council unless it has been approved by a resolution of each House of Parliament.

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### **182C Power of Secretary of State to make orders.**

- (1) The Secretary of State may by order make such amendments of Schedule 5A and any Order in Council under section 182B(1) as appear to him to be appropriate for the purpose of giving effect to any amendment of a relevant limit which is adopted in accordance with article 48 of the Convention.
  - (2) In subsection (1) above, “a relevant limit” means any of the limits for the time being specified in article 9, paragraph 1 and article 14, paragraph 5 of the Convention.”
- (2) After Schedule 5 to the 1995 Act there is inserted, as Schedule 5A to that Act, the provision set out in Schedule 3.

**Changes to legislation:**

There are currently no known outstanding effects for the Merchant Shipping and Maritime Security Act 1997, Section 14.