
 S T A T U T O R Y I N S T R U M E N T S

1986 No. 2066 (C.79)

MERCHANT SHIPPING

The Merchant Shipping Act 1970 (Commencement No. 10) Order
1986

Made - - - - - 28th November 1986

The Secretary of State for Transport, in exercise of powers conferred by section 101(4) of the Merchant Shipping Act 1970(a) (hereinafter referred to as "the 1970 Act") and now vested in him(b), and of all other powers enabling him in that behalf, hereby makes the following Order:

1. This Order may be cited as the Merchant Shipping Act 1970 (Commencement No. 10) Order 1986.

2.—(1) The provisions of the 1970 Act specified in the first column of Schedule 1 to this Order (which relate to the matters specified in the second column of that Schedule) shall come into operation on 1st January 1987.

(2) The provisions of the 1970 Act specified in the first column of Schedule 2 to the Order (which relate to the matters specified in the second column of that Schedule) shall come into operation on 1st September 1987.

John Moore,
Secretary of State for Transport.

28th November 1986.

SCHEDULE 1

PROVISIONS COMING INTO FORCE ON 1ST JANUARY 1987

Provisions of the Act	Subject matter of provisions
In section 100, subsection (3) so far as it relates to the provisions of Schedule 5 brought into force by this Schedule	Repeals
Schedule 5, so far as it relates to the repeals set out in the Appendix to this Schedule	Enactments repealed

(a) 1970 c. 36; section 101(4) as amended by section 37(7) of the Merchant Shipping Act 1979 (c. 39).

(b) See S.I. 1970/1537.

APPENDIX TO SCHEDULE 1

REPEAL TAKING EFFECT ON 1ST JANUARY 1987

Chapter	Short Title	Extent of Repeal
1894 c. 60	The Merchant Shipping Act 1894	In Part IV—sections 369, 385, 386, 390, 413, 415, 416 and 417 In Part VI—section 469

SCHEDULE 2

PROVISIONS COMING INTO FORCE ON 1ST SEPTEMBER 1987

Provisions of the Act	Subject matter of provisions
In section 100, subsection (3) so far as it relates to the provisions of Schedule 5 brought into force by this Schedule	Repeals
Schedule 5, so far as it relates to the repeals set out in the Appendix to this Schedule	Enactments repealed

APPENDIX TO SCHEDULE 2

REPEAL TAKING EFFECT ON 1ST SEPTEMBER 1987

Chapter	Short Title	Extent of Repeal
1894 c. 60	The Merchant Shipping Act 1894	In Part II—sections 92 and 93 and 96 to 104 inclusive to the extent that those sections apply in relation to fishing vessels by virtue of section 414 of the Merchant Shipping Act 1894 Section 209 to the extent that it applies in relation to fishing vessels In Part IV—in Section 370, the definitions of “second hand” and “voyage”, and sections 371 and 414 In Part VI—sections 464–468, 470–476 and 479 to the extent they are not already repealed
1906 c. 48	The Merchant Shipping Act 1906	Sections 66 to 68 to the extent they are not already repealed Section 81

EXPLANATORY NOTE

(This Note is not part of the Order.)

1. This Order is primarily consequential on the final coming into force of the Fishing Vessels (Certification of Deck Officers and Engineer Officers) Regulations 1984 (S.I. 1984/1115). The Order brings into operation provisions in the Merchant Shipping Act 1970 which repeal certain sections of the Merchant Shipping Acts 1894 and 1906 dealing with the certification of fishing vessel officers. In addition miscellaneous obsolete provisions are repealed, the most important of which is section 469 of the Merchant Shipping Act 1894 (power of the Secretary of State to suspend or cancel a certificate if the holder has been convicted of an offence).

2. The repeals mostly take effect on 1st January 1987, except that section 414 of the 1894 Act will be retained until 1st September 1987, enabling examination for fishing vessel skippers and second hands to continue to be available on a transitional basis until the end of July 1987. Provisions in Part VI of the Merchant Shipping Act 1894 and in the Merchant Shipping Act 1906 relating to Courts of Inquiry and the power to cancel or suspend a Certificate of Competency, already repealed in respect of merchant ships by the Merchant Shipping Act 1970 (Commencement No. 9) Order 1982 (S.I. 1982/1617) and dependent on section 414 are also repealed from 1st September 1987.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This Note is not part of the Order.)

In this Note:

“MSA 1974” means the Merchant Shipping Act 1974**(a)**;“MSA 1979” means the Merchant Shipping Act 1979**(b)**;

an asterisk (*) denotes that the prescribed penalty has been increased by Schedule 6 to the MSA 1979.

The following provisions of the Merchant Shipping Act 1970 have been brought into force by commencement orders made before the date of this Order:

Provision	Date of commencement	S.I. No
ss. 1*, 2*, 3*, 4, 5, 7, 8*, 9, 10	1.1.73	1972/1977
s. 11 (see s. 39(3) MSA 1979)	1.1.73	1972/1977
ss. 12 to 14	1.1.73	1972/1977
s. 15 (amended by s. 37(1) MSA 1979)	1.8.79	1979/809
ss. 16 to 18	1.1.73	1972/1977
s. 19*	1.8.79	1979/809
s. 20*	19.12.75	1975/2156
ss. 21*, 22*, 23*	1.1.73	1972/1977
s. 24*	1.10.74	1974/1194
ss. 25, 26	1.1.73	1972/1977
s. 27* (amended by s. 45(1) MSA 1979)	1.1.73	1972/1977
s. 28* (amended by s. 45(2) MSA 1979)	1.1.73	1972/1977
s. 29 (repealed by s. 19(3) MSA 1974)	1.1.73	1972/1977
s. 30* (amended by s. 19(4) MSA 1974)	1.1.73	1972/1977
s. 31 (repealed by s. 19(3) MSA 1974)	1.1.73	1972/1977
s. 32 (amended by s. 19(6) MSA 1974)	1.1.73	1972/1977
ss. 33, 34*, 35, 37 to 42	1.1.73	1972/1977
s. 43* (see s. 37(2) and (3) MSA 1979)	19.12.75	1975/2156
ss. 44, 45*, 46*, 47*	19.12.75	1975/2156
s. 48*	1.1.73	1972/1977
s. 49	19.12.75	1975/2156
s. 50*	1.9.81	1981/1186
ss. 52, 53, 54	1.1.83	1982/1617
ss. 55, 56	1.7.83	1982/1617
ss. 57, 59	1.1.83 and 1.7.83	1982/1617
s. 60	1.9.81	1981/1186
s. 61* (amended by s. 28(7)(b), 29(1) and (2) MSA 1979)	1.1.73	1972/1977
ss. 62*, 63, 64, 65*, 66, 67, 68*, 69*, 70*, 71*	1.1.73	1972/1977
s. 72* (amended by s. 30 MSA 1979)	1.1.73	1972/1977
ss. 73*, 74*, 75	1.1.73	1972/1977
s. 76* (amended by s. 37(5) MSA 1979)	1.1.73	1972/1977
ss. 77*, 78*, 79 to 84	1.1.73	1972/1977
ss. 85 and 86*	18.11.74	1974/1908
ss. 88, 89*, 90	1.1.73	1972/1977
s. 91*	16.7.82	1982/840
s. 92 (amended by s. 37(6) MSA 1979)	1.1.73	1972/1977

(a) 1974 c. 43.**(b)** 1979 c. 39.

Provision	Date of commencement	S.I. No
ss. 93, 94	1.1.73	1972/1977
s. 95(1) (amended by s. 45(3) MSA 1979), (4) to (6)	1.1.73	1972/1977
s. 95(2)	1.8.79	1979/809
s. 96	1.1.73	1972/1977
s. 97 (amended by s. 29(3) MSA 1979)	1.1.73	1972/1977
ss. 98 and 99	1.1.73	1972/1977
s. 100 and Sch. 5 partially	1.1.73 and 6.4.74	1972/1977
	1.10.74	1974/1194
	18.11.74	1974/1908
	1.7.79	1978/797
	1.8.79	1979/809
	1.9.81	1981/1186
	16.7.82	1982/840
	1.1.83 and 1.7.83	1982/1617
s. 101 (amended by s. 37(7) MSA 1979)	1.1.73	1972/1977
Sch. 1	18.11.74	1974/1908
Sch. 2 Part I, paragraph 1 and Part II	1.1.73	1972/1977
Sch. 3, paragraphs 1 to 4, 8 and 9, 11 to 14	1.1.73 and 6.4.74	1972/1977
Sch. 3, paragraph 10	18.11.74	1974/1908
Sch. 3, paragraphs 5, 6 and 7	1.9.81	1981/1186
Sch. 4, paragraphs 1 to 4	1.1.73	1972/1977
Sch. 4, paragraph 9	1.9.81	1981/1186
Sch. 4, paragraph 18	1.1.83 and 1.7.83	1982/1617
Sch. 5 (partially)	1.1.73 and 6.4.74	1972/1977
	1.10.74	1974/1194
	18.11.74	1974/1908
	1.7.79	1978/797
	1.8.79	1979/809
	1.9.81	1981/1186
	16.7.82	1982/840

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