

1989 No. 1881 (C.59)

MERCHANT SHIPPING

**The Merchant Shipping Act 1979 (Commencement
No. 13) Order 1989**

Made - - - - 9th October 1989

The Secretary of State for Transport, in exercise of powers conferred on him by section 52(2) of the Merchant Shipping Act 1979(a) 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 1979 (Commencement No. 13) Order 1989.

2.—(1) Section 35(2) of the Merchant Shipping Act 1979, so far as it is not already in force, shall come into force on 10th November 1989.

(2) Section 14, so far as it is not already in force, and Part III of Schedule 3 to the Merchant Shipping Act 1979 shall come into force on 10th November 1989.

Signed by authority of the Secretary of State
9th October 1989

Patrick McLoughlin
Parliamentary Under Secretary of State,
Department of Transport

EXPLANATORY NOTE

(This note is not part of the Order)

The Order brings into force on 10th November 1989 section 35(2) of the Merchant Shipping Act 1979 so far as it is not in force—i.e. for fishing vessels. Section 35(2) prevents any person limiting his liability under section 17 of the Act for loss of life or personal injury or other damage caused to a person on a ship who is employed in connection with the ship or with salvage operations. By virtue of section 17 shipowners and salvors can limit their liability in accordance with the Convention on Limitation of Liability for Maritime Claims 1976 (set out in Schedule 4 to the 1979 Act).

The Order also brings into force on 10th November 1989 section 14 so far as it is not already in force and Part III of Schedule 3 to the 1979 Act, primarily as a consequence of the coming into force of the 1976 Protocol to the Athens Convention relating to the Carriage of Passengers and their Luggage 1974. The Protocol substitutes references to Special Drawing Rights for references to gold francs.

(a) 1979 c.39.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Merchant Shipping Act 1979 have been or are being brought into force by commencement orders made before the date of this Order:-

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
s. 14(1), (2), (4), (5), (6) except in its application to sub-sections (3) and (7)	30.4.87	1987/635
s. 15(1)	17.12.79	1979/1578
s. 15(2)	17.12.79 and 30.4.87	1979/1578 and 1987/635
s. 16	1.8.79	1979/807
ss. 17, 18 and 19(1) and (4)	1.12.86	1986/1052
s. 19(2), (3)	17.12.79	1979/1578
ss. 20 to 22, 26 to 30, 32(1), 33, 34, 35(1) except in relation to fishing vessels and 36(1)	1.8.79, 1.10.79 and 1.1.80	1979/807
s. 23(7)	31.12.85	1985/1827
s. 31	3.5.83	1983/440
s. 32(2) and (3)	1.7.83	1982/1616
s. 35(2) except in relation to fishing vessels	30.4.87	1987/719
s. 36(2)	1.4.80	1980/354
ss. 36(3), 37(1) to (3), (5), (7) and (8)	1.8.79	1979/807
s. 37(4)	1.1.83	1982/1616
s. 38(5)	17.12.79	1979/1578
s. 38(1), (2), (3) and (6)	8.4.81	1981/405
ss. 39 to 45, 46 (partially), Sch. 6	1.8.79 and 1.1.80	1979/807
s. 46 (remainder)	4.7.80	1980/923
s. 47(1), (2) (partially) and (3)	1.8.79, 1.10.79 and 1.1.80	1979/807
s. 47(2)	17.12.79 and 14.9.83	1979/1578 and 1983/1312
ss. 48, 49, 50(1) and (2)	1.8.79	1979/807
s. 50(3)	4.7.80	1980/923
s. 50(4) and Sch. 7 (partially)	1.8.79, 1.10.79 and 1.1.80 1.4.80 4.7.80 and 1.9.80 8.4.81 3.5.83 31.12.85 1.12.86	1979/807 1980/354 1980/923 1981/405 1983/440 1985/1827 1986/1052

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
ss. 51(1), (3) and 52	1.8.79	1979/807
s. 51(2) (partially)	1.1.83	1982/1616
Schedule 3, Parts I and II	30.4.87	1987/635
Schedules 4 and 5	1.12.86	1986/1052.

Notes

1. Sections 1 to 13, Schedule 2, paragraph 2 of Schedule 5 and the entries relating to the Pilotage Act 1913 (c.31 (2 & 3 Geo. 5)) in Part II of Schedule 7 which were in force have been repealed.
2. Section 35(1) has ceased to have effect.