
STATUTORY INSTRUMENTS

1997 No. 2579

MERCHANT SHIPPING

The Merchant Shipping (Limitation of Liability for Maritime Claims) (Overseas Territories) Order 1997

Made - - - - 30th October 1997

Coming into force 30th November 1997

THE MERCHANT SHIPPING (LIMITATION OF LIABILITY FOR MARITIME CLAIMS) (OVERSEAS TERRITORIES) ORDER 1997

1. Citation and commencement
 2. Implementation of the Limitation of Liability Convention
 3. Interpretation
- Signature

SCHEDULE 1 TO THE —
ORDER

Anguilla British Antarctic Territory British Indian Ocean Territory South Georgia...

SCHEDULE 2 TO THE — SECTIONS 185 AND 186 OF THE MERCHANT SHIPPING ACT
ORDER 1995

Limitation of liability of shipowners, etc and salvors for maritime claims

185. Limitation of liability of maritime claims
186. Exclusion of liability

SCHEDULE 7 TO — CONVENTION ON LIMITATION OF LIABILITY FOR
THE MERCHANT MARITIME CLAIMS 1976
SHIPPING ACT 1995

PART I — TEXT OF CONVENTION

CHAPTER I.

THE RIGHT OF LIMITATION

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

ARTICLE 1

Persons entitled to limit liability

1. Shipowners and salvors, as hereinafter defined, may limit their liability...
2. The term “shipowner” shall mean the owner, charterer, manager or...
3. Salvor shall mean any person rendering services in direct connection...
4. If any claims set out in Article 2 are made...
5. In this Convention the liability of a shipowner shall include...
6. An insurer of liability for claims subject to limitation in...
7. The act of invoking limitation of liability shall not constitute...

ARTICLE 2

Claims subject to limitation

1. Subject to Articles 3 and 4 the following claims, whatever...
2. Claims set out in paragraph 1 shall be subject to...

ARTICLE 3

Claims excepted from limitation

The rules of this Convention shall not apply to:

ARTICLE 4

Conduct barring limitation

A person liable shall not be entitled to limit his...

ARTICLE 5

Counterclaims

Where a person entitled to limitation of liability under the...

CHAPTER II.

LIMITS OF LIABILITY

ARTICLE 6

The general limits

1. The limits of liability for claims other than those mentioned...
2. Where the amount calculated in accordance with paragraph 1(a) is...
3. The limits of liability for any salvor not operating from...

ARTICLE 7

The limit for passenger claims

1. In respect of claims arising on any distinct occasion for...
2. For the purpose of this Article “claims for loss of...

ARTICLE 8

Unit of Account

The Unit of Account referred to in Articles 6 and...

ARTICLE 9

Aggregation of claims

1. The limits of liability determined in accordance with Article 6...
2. The limits of liability determined in accordance with Article 7...

ARTICLE 10

Limitation of liability without constitution of a limitation fund

1. Limitation of liability may be invoked notwithstanding that a limitation...
2. If limitation of liability is invoked without the constitution of...
3. Questions of procedure arising under the rules of this Article...

CHAPTER III.

THE LIMITATION FUND

ARTICLE 11

Constitution of the Fund

1. Any person alleged to be liable may constitute a fund...
2. A fund may be constituted, either by depositing the sum,...
3. A fund constituted by one of the persons mentioned in...

ARTICLE 12

Distribution of the fund

1. Subject to the provisions of paragraphs 1 and 2 of...
2. If, before the fund is distributed, the person liable, or...
3. The right of subrogation provided for in paragraph 2 may...
4. Where the person liable or any other person establishes that...

ARTICLE 13

Bar to other actions

1. Where a limitation fund has been constituted in accordance with...
2. After a limitation fund has been constituted in accordance with...
3. The rules of paragraphs 1 and 2 shall apply only...

ARTICLE 14

Governing law

Subject to the provisions of this Chapter the rules relating...

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CHAPTER IV.

SCOPE OF APPLICATION

ARTICLE 15

This Convention shall apply whenever any person referred to in...

PART II — PROVISIONS HAVING EFFECT IN CONNECTION WITH CONVENTION

Interpretation

1. In this Part of this Schedule any reference to a...

Right to limit liability

2. The right to limit liability under the Convention shall apply...

Claims subject to limitation

3. (1) Paragraph 1(d) of article 2 shall not apply unless...

Claims excluded from limitation

4. (1) The claims excluded from the Convention by paragraph (a)...

The general limits

5. (1) In the application of article 6 to a ship...

Limit for passenger claims

6. (1) In the case of a ship for which there...

Units of Account

7. (1) For the purpose of converting the amounts mentioned in...

Constitution of fund

8. (1) The Secretary of State may, with the concurrence of...

Distribution of fund

9. No lien or other right in respect of any ship...

Bar to other actions

10. Where the release of a ship or other property is...

Meaning of "court"

11. References in the Convention and the preceding provisions of this...

Meaning of "ship"

12. References in the Convention and in the preceding provisions of...

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Meaning of “State Party”

13. An Order in Council made for the purposes of this...

Explanatory Note