

Draft Order in Council laid before Parliament under section 1(4) of the Hovercraft Act 1968, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1998 No.

HOVERCRAFT

**The Hovercraft (Convention on Limitation of Liability
for Maritime Claims (Amendment)) Order 1998**

Made - - - - 1998

Coming into force in accordance with Article 1

At the Court of Buckingham Palace, the day of 1998

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has, in pursuance of section 1(4) of the Hovercraft Act 1968⁽¹⁾, been laid before Parliament and approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, by virtue and in exercise of the powers conferred on her by section 1(1) (i) and 1(3)(f) of the Hovercraft Act 1968 is pleased by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Hovercraft (Convention on Limitation of Liability for Maritime Claims (Amendment)) Order 1998 and shall come into force on the date, to be notified in the London, Edinburgh and Belfast Gazettes, on which the Protocol of 1996 to amend the Convention on Limitation of Liability for Maritime Claims 1976⁽²⁾ enters into force in respect of the United Kingdom.

2. The Hovercraft (Civil Liability) Order 1986⁽³⁾ shall be amended so that in paragraph (8) of Part B of Schedule 3, and in Part (3)B of Schedule 4, in respect of Article 6 there shall be substituted:

(1) 1968 c. 59, section 1(1)(i) was amended by the Merchant Shipping Act 1995 (c. 21), Schedule 13 paragraph 42.

(2) Cm 3581.

(3) S.I. 1986/1305 as amended by S.I. 1987/1835.

“Article 6

THE LIMITS

1. The limits of liability for claims arising on any distinct occasion shall be calculated as follows:

- (a) in respect of claims for loss of life or personal injury:
 - (i) £852,085 for a hovercraft with a maximum operational weight not exceeding 8,000 kg.;
 - (ii) £1,659,605 for a hovercraft with a maximum operational weight in excess of 8,000 kg., but not exceeding 13,000 kg., and
 - (iii) for a hovercraft with a maximum operational weight in excess thereof, an amount in addition to that mentioned in (ii) which equals £25.55 for each additional kg.,
- (b) in respect of any other claims:
 - (i) £357,360 for a hovercraft with a maximum operational weight not exceeding 8,000 kg.;
 - (ii) £698,270 for a hovercraft with a maximum operational weight in excess of 8,001 kg. but not exceeding 13,000 kg.; and
 - (iii) for a hovercraft with a maximum operational weight in excess thereof, an amount in addition to that mentioned in (ii) which equals £10.75 for each additional kg.

2. Where the amount calculated in accordance with paragraph 1(a) is insufficient to pay the claims mentioned therein in full, the amount calculated in accordance with paragraph 1(b) shall be available for payment of the unpaid balance of claims under paragraph 1(a) and such unpaid balance shall rank rateably with claims mentioned under paragraph 1(b).”.

Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order increases the limits of liability of owners hovercraft consequent upon the implementation of the 1996 Protocol to the International Convention on Limitation of Liability for Maritime Claims 1976 following its ratification by, and entry into force for, the UK. The Order does this by amending the Hovercraft (Civil Liability) Order 1986 ([SI 1986/1305](#)). Corresponding changes to the limits which apply to ships are made by the Merchant Shipping (Convention on the Liability for Maritime Claims) (Amendment) Order 1998 (S.I. 1998/).

A cost compliance assessment has been prepared, and copies can be obtained from Shipping Policy Directorate, the Department of the Environment, Transport and the Regions, Zone 4/12, Great Minster House, 76 Marsham Street, London SW1P 4DR, (Tel. 0171 271 3893). A copy has been placed in the Library of each House of Parliament.