

Draft Order in Council laid before Parliament under section 185(5) of the Merchant Shipping Act 1995, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2004 No.

MERCHANT SHIPPING

The Merchant Shipping (Convention on Limitation of Liability for Maritime Claims) (Amendment) Order 2004

Made - - - - 2004

Coming into force in accordance with article 1

At the Court at Buckingham Palace, the day of 2004

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has, in pursuance of section 185(5) of the Merchant Shipping Act 1995(1), been laid before Parliament and approved by a resolution of each House of Parliament,

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by section 185(2A) of the Merchant Shipping Act 1995 is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation and commencement

1. This Order may be cited as the Merchant Shipping (Convention on Limitation of Liability for Maritime Claims) (Amendment) Order 2004 and shall come into force on 13th May 2004 or on the day after it is made, whichever is later.

Amendment of Merchant Shipping Act 1995

2. Paragraph 2A of Part II of Schedule 7 to the Merchant Shipping Act 1995(2) (provisions having effect in connection with the Convention on Limitation of Liability for Maritime Claims, 1976) shall be omitted.

(1) 1995 c. 21; section 185 was amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), section 15.
(2) Paragraph 2A of Part II of Schedule 7 to the Merchant Shipping Act 1995 was inserted by the Merchant Shipping (Convention on Limitation of Liability for Maritime Claims) Order 1998 (S.I.1998/1258), article 7(b).

Amendment of Merchant Shipping (Convention on Limitation of Liability for Maritime Claims) (Amendment) Order 1998

3. In the Merchant Shipping (Convention on Limitation of Liability for Maritime Claims) (Amendment) Order 1998(3) the following provisions shall be omitted:

- (a) paragraph (b) of article 7 (amendments to provisions which have effect in connection with the Convention) of the Order, and
- (b) paragraph 2A of Part II of the Schedule to the Order.

Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Merchant Shipping (Convention on Limitation of Liability for Maritime Claims) (Amendment) Order 1998 (“the 1998 Order”) and comes into force on 13th May 2004 or the day after it is made, whichever is later. The 1998 Order, in accordance with the formula in article 1 of that Order, comes into force on 13th May 2004.

The 1998 Order implements the Protocol of 1996 to amend the Convention on Limitation of Liability for Maritime Claims 1976, by amending the articles of the 1976 Convention as set out in Part I of Schedule 7 to the Merchant Shipping Act 1995, and also by amending the provisions having effect in connection with the Convention in Part II of that Schedule.

This Order omits from Part II of Schedule 7 to the Merchant Shipping Act 1995, as amended by the 1998 Order, paragraph 2A. That paragraph concerned the interpretation of Article 2 of the Convention, and its application to loss of life or personal injury to passengers of seagoing ships.