



# Merchant Shipping (Salvage and Pollution) Act 1994

## CHAPTER 28

### MERCHANT SHIPPING (SALVAGE AND POLLUTION) ACT 1994

#### *Salvage*

- 1 Salvage Convention, 1989 to have force of law

#### *Marine Pollution*

- 2 Power to implement 1990 OPRC Convention
- 3 Amendments as to powers of implementation
- 4 Prevention of pollution from ships: further power to implement international agreements
- 5 Liability and compensation for oil pollution damage: 1992 Protocols
- 6 Extension of strict liability for oil pollution by ships
- 7 Extension of rights of Fund by subrogation
- 8 Functions of Secretary of State in relation to marine pollution

#### *General*

- 9 Expenses
- 10 Short title, citation, construction, repeals, commencement and extent

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#### SCHEDULES

- SCHEDULE 1 — International Convention on Salvage, 1989  
Part I — TEXT OF CONVENTION

**ARTICLE 1****DEFINITIONS****ARTICLE 2****APPLICATION OF THE CONVENTION****ARTICLE 3****PLATFORMS AND DRILLING UNITS****ARTICLE 4****STATE-OWNED VESSELS**

- 1 Without prejudice to article 5, this Convention shall not apply...
- 2 Where a State Party decides to apply the Convention to...

**ARTICLE 5****SALVAGE OPERATIONS CONTROLLED BY PUBLIC AUTHORITIES**

- 1 This Convention shall not affect any provisions of national law...
- 2 Nevertheless, salvors carrying out such salvage operations shall be entitled...
- 3 The extent to which a public authority under a duty...

**ARTICLE 6****SALVAGE CONTRACTS**

- 1 This Convention shall apply to any salvage operations save to...
- 2 The master shall have the authority to conclude contracts for...
- 3 Nothing in this article shall affect the application of article...

**ARTICLE 7****ANNULMENT AND MODIFICATION OF CONTRACTS****ARTICLE 8****DUTIES OF THE SALVOR AND OF THE OWNER AND MASTER**

- 1 The salvor shall owe a duty to the owner of...
- 2 The owner and master of the vessel or the owner...

**ARTICLE 9****RIGHTS OF COASTAL STATES**

## ARTICLE 10

### DUTY TO RENDER ASSISTANCE

- 1 Every master is bound, so far as he can do...
- 2 The States Parties shall adopt the measures necessary to enforce...
- 3 The owner of the vessel shall incur no liability for...

## ARTICLE 11

### CO-OPERATION

## ARTICLE 12

### CONDITIONS FOR REWARD

- 1 Salvage operations which have had a useful result give right...
- 2 Except as otherwise provided, no payment is due under this...
- 3 This chapter shall apply, notwithstanding that the salvaged vessel and...

## ARTICLE 13

### CRITERIA FOR FIXING THE REWARD

- 1 The reward shall be fixed with a view to encouraging...
- 2 Payment of a reward fixed according to paragraph 1 shall...
- 3 The rewards, exclusive of any interest and recoverable legal costs...

## ARTICLE 14

### SPECIAL COMPENSATION

- 1 If the salvor has carried out salvage operations in respect...
- 2 If, in the circumstances set out in paragraph 1, the...
- 3 Salvor's expenses for the purpose of paragraphs 1 and 2...
- 4 The total special compensation under this article shall be paid...
- 5 If the salvor has been negligent and has thereby failed...
- 6 Nothing in this article shall affect any right of recourse...

## ARTICLE 15

### APPORTIONMENT BETWEEN SALVORS

- 1 The apportionment of a reward under article 13 between salvors...
- 2 The apportionment between the owner, master and other persons in...

## ARTICLE 16

### SALVAGE OF PERSONS

- 1 No remuneration is due from persons whose lives are saved,...
- 2 A salvor of human life, who has taken part in...

**ARTICLE 17****SERVICES RENDERED UNDER EXISTING CONTRACTS****ARTICLE 18****THE EFFECT OF SALVOR'S MISCONDUCT****ARTICLE 19****PROHIBITION OF SALVAGE OPERATIONS****ARTICLE 20****MARITIME LIEN**

- 1 Nothing in this Convention shall affect the salvor's maritime lien...
- 2 The salvor may not enforce his maritime lien when satisfactory...

**ARTICLE 21****DUTY TO PROVIDE SECURITY**

- 1 Upon the request of the salvor a person liable for...
- 2 Without prejudice to paragraph 1, the owner of the salvaged...
- 3 The salvaged vessel and other property shall not, without the...

**ARTICLE 22****INTERIM PAYMENT**

- 1 The tribunal having jurisdiction over the claim of the salvor...
- 2 In the event of an interim payment under this article...

**ARTICLE 23****LIMITATION OF ACTIONS**

- 1 Any action relating to payment under this Convention shall be...
- 2 The person against whom a claim is made may at...
- 3 An action for indemnity by a person liable may be...

**ARTICLE 24****INTEREST****ARTICLE 25****STATE-OWNED CARGOES****ARTICLE 26****HUMANITARIAN CARGOES**

## ARTICLE 27

### PUBLICATION OF ARBITRAL AWARDS

#### Part II — PROVISIONS HAVING EFFECT IN CONNECTION WITH CONVENTION

##### *Interpretation*

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

##### *Claims excluded from Convention*

2 (1) The provisions of the Convention do not apply—

##### *Assistance to persons in danger at sea*

3 (1) The master of a vessel who fails to comply...

##### *The reward and special compensation: the common understanding*

4 In fixing a reward under article 13 and assessing special...

##### *Recourse for life salvage payment*

5 (1) This paragraph applies where— (a) services are rendered wholly...

##### *Meaning of “judicial proceedings”*

6 References in the Convention to judicial proceedings are references to...

##### *Meaning of “State Party”*

7 (1) An Order in Council made for the purposes of...

#### SCHEDULE 2 — Salvage: Consequential and Related Amendments

##### *Merchant Shipping Act 1894*

1 (1) The Merchant Shipping Act 1894 shall be amended as...

##### *Maritime Conventions Act 1911*

2 (1) The Maritime Conventions Act 1911 shall be amended as...

##### *Crown Proceedings Act 1947*

3 In section 8(1) of the Crown Proceedings Act 1947, for...

##### *Administration of Justice Act 1956*

4 (1) The Administration of Justice Act 1956 shall be amended...

##### *Merchant Shipping Act 1979*

5 In Schedule 4 to the Merchant Shipping Act 1979, in...

##### *Supreme Court Act 1981*

6 (1) Section 20 of the Supreme Court Act 1981 shall...

*County Courts Act 1984*

7 (1) Section 27 of the County Courts Act 1984 shall...

## SCHEDULE 3 — Extension of Strict Liability for Oil Pollution by Ships

## Part I — AMENDMENTS OF THE 1971 ACT

- 1 After section 1 of the 1971 Act there shall be...
- 2 After section 2 of the 1971 Act there shall be...
- 3 After section 3 of the 1971 Act there shall be...
- 4 In section 9 (extinguishment of claims), after the words “section...
- 5 In section 15 (liability for cost of preventive measures where...
- 6 In section 20(2) (interpretation of references to the owner of...

Part II — AMENDMENTS OF THE 1971 ACT AS AMENDED BY THE 1988  
ACT

- 1 In section 1(2) of the 1971 Act (liability for threat...
- 2 After section 1 of the 1971 Act there shall be...
- 3 In section 2 (exceptions from liability), after the words “section...
- 4 In section 3 (restriction of liability)— (a) in subsection (1)—...
- 5 In section 9 (extinguishment of claims), after the words “section...
- 6 In section 13 (jurisdiction of United Kingdom courts, etc.)—
- 7 In section 15 (liability for cost of preventive measures where...
- 8 In section 20(1) (definitions), in the definition of “ship”, after...

## Part III — MODIFICATIONS OF PARTS I AND II

- 1 The section 1A inserted by Part II shall be substituted...
- 2 The section 2A inserted by Part I shall cease to...
- 3 The section 3A inserted by Part I shall cease to...
- 4 The reference to section 1A inserted in section 9 and...

## SCHEDULE 4 — Repeals