



Merchant Shipping (Liability of Shipowners and others) Act 1900

1900 CHAPTER 32

An Act to amend the Merchant Shipping Act, 1894, with respect to the Liability of Shipowners and others. [6th August 1900]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1 Further limitation of liability of shipowner.

The limitation of the liability of the owners of any ship set by section five hundred and three of the Merchant Shipping Act, 1894, in respect of loss of or damage to vessels, goods, merchandise, or other things, shall extend and apply to all cases where (without their actual fault or privity) any loss or damage is caused to property or rights of any kind, whether on land or on water, or whether fixed or moveable, by reason of the improper navigation or management of the ship.

2 Limitation of liability of harbour conservancy authority.

- (1) The owners of any dock or canal, or a harbour authority or a conservancy authority, as defined by the Merchant Shipping Act, 1894, shall not, where without their actual fault or privity any loss or damage is caused to any vessel or vessels, or to any goods, merchandise, or other things whatsoever on board any vessel or vessels, be liable to damages beyond an aggregate amount not exceeding eight pounds for each ton of the tonnage of the largest registered British ship which, at the time of such loss or damage occurring, is, or within the period of five years previous thereto has been, within the area over which such dock or canal owner, harbour authority, or conservancy authority, performs any duty or exercises any power. A ship shall not be deemed to have been within the area over which a harbour authority or a conservancy authority performs any duty, or exercises any powers, by reason only that it has been built or fitted out within such area, or that it has taken shelter within or passed through such area on

a voyage between two places both situate outside that area, or that it has loaded or unloaded mails or passengers within that area.

- (2) For the purpose of this section the tonnage of ships shall be ascertained as provided by section five hundred and three, subsection two, of the Merchant Shipping Act, 1894, and the register of any ship shall be sufficient evidence that the gross tonnage and the deductions therefrom and the registered tonnage are as therein stated.
- (3) Section five hundred and four of the Merchant Shipping Act, 1894, shall apply to this section as if the words "owner of a British or foreign ship" included a harbour authority, and a conservancy authority, and the owner of a canal or of a dock.
- (4) For the purpose of this section the term "dock" shall include wet docks and basins, tidal docks and basins, locks, cuts, entrances, dry docks, graving docks, gridirons, slips, quays, wharves, piers, stages, landing-places, and jetties.
- (5) For the purposes of this section the term "owners of a dock or canal" shall include any person or authority having the control and management of any dock or canal, as the case may be.
- (6) Nothing in this section shall impose any liability in respect of any such loss or damage on any such owners or authority in any case where no such liability would have existed if this Act had not passed.

3 Limitation of liability where several claims arise on one occasion.

The limitation of liability under this Act shall relate to the whole of any losses and damages which may arise upon any one distinct occasion, although such losses and damages may be sustained by more than one person, and shall apply whether the liability arises at common law or under any general or private Act of Parliament, and notwithstanding anything contained in such Act.

4 Short title.

This Act may be cited as the Merchant Shipping (Liability of Shipowners and others) Act, 1900.

5 Construction.

This Act shall be construed as one with the Merchant Shipping Act, 1894, and that Act and the Merchant Shipping Act, 1897, the Merchant Shipping (Exemption from Pilotage) Act, 1897, the Merchant Shipping (Liability of Shipowners) Act, 1898, the Merchant Shipping (Mercantile Marine Fund) Act, 1898, and this Act, may be cited together as the Merchant Shipping Acts, 1894 to 1900.