
S T A T U T O R Y I N S T R U M E N T S

1972 No. 1977 (C.44)**MERCHANT SHIPPING****The Merchant Shipping Act 1970 (Commencement No. 1)****Order 1972**

Made - - - - - *15th December 1972*

Coming into Operation *1st January 1973*

The Secretary of State, in exercise of powers conferred by section 101(4) of the Merchant Shipping Act 1970(a) (hereinafter referred to as "the Act") and now vested in him(b), and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Merchant Shipping Act 1970 (Commencement No. 1) Order 1972 and shall come into operation on 1st January 1973.

2.—(1) The provisions of the Act specified in the first column of Schedule 1 to this Order (which relate to the matters specified in the second column of that Schedule) shall come into force on 1st January 1973.

(2) The provisions of the Act specified in the first column of Schedule 2 to this Order (which relate to the matters specified in the second column of that Schedule) shall come into force on 6th April 1974.

Michael Heseltine,
Minister for Aerospace and Shipping,
Department of Trade and Industry.

15th December 1972.

(a) 1970 c. 36.

(b) See the Secretary of State for Trade and Industry Order 1970 (S.I. 1970/1537 (1970 III, p. 5293)).

SCHEDULE 1

PROVISIONS COMING INTO FORCE ON 1ST JANUARY 1973

Provisions of the Act	Subject matter of provisions
Section 1.	Crew agreements.
Section 2.	Regulations relating to crew agreements.
Section 3.	Discharge of seamen.
Section 4.	Seamen left behind abroad otherwise than on discharge.
Section 5.	Discharge of seamen when ship ceases to be registered in U.K.
Section 7.	Payment of seamen's wages.
Section 8.	Account of seaman's wages.
Section 9.	Regulations relating to wages and accounts.
Section 10.	Power of superintendent or proper officer to decide disputes about wages.
Section 11.	Restriction on assignment of and charge upon wages.
Section 12.	Power of court to award interest on wages due otherwise than under crew agreement.
Section 13.	Allotment notes.
Section 14.	Right of person named in allotment note to sue in own name.
Section 16.	Protection of certain rights and remedies.
Section 17.	Claims against seaman's wages for maintenance, etc. of dependants.
Section 18.	Remedies of master for remuneration, disbursements, etc.
Section 21.	Provisions and water.
Section 22.	Complaints about provisions or water.
Section 23.	Other complaints.
Section 25.	Medical treatment on board ship.
Section 26.	Expenses of medical treatment, etc., during voyage.
Section 27.	Misconduct endangering ship or persons on board ship.
Section 28.	Drunkenness, etc. on duty.
Section 29.	Willful disobedience to certain lawful commands.
Section 30.	Continued or concerted disobedience, neglect of duty, etc.
Section 31.	Absence without leave at time of sailing.
Section 32.	Offences committed by certain other persons.
Section 33.	Defence of drug taken for medical purposes.
Section 34.	Disciplinary offences.
Section 35.	Appeal against fine for disciplinary offence.
Section 37.	Prohibition of double prosecutions.
Section 38.	Payment of fines for disciplinary offences.
Section 39.	Civil liability for absence without leave.
Section 40.	Civil liability for smuggling.
Section 41.	Civil liability for fines imposed under immigration laws.
Section 42.	Trade disputes involving seamen.
Section 48.	Crew's knowledge of English.
Section 61.	Inquiries into deaths of crew members and others.
Section 62.	Relief and return of seamen left behind, etc.
Section 63.	Limit of employers' liability under s.62.
Section 64.	Recovery of expenses incurred for relief and return, etc.
Section 65.	Custody, etc. of property of deceased seamen.
Section 66.	Disposal of property of deceased seaman.
Section 67.	Application of sections 62 to 66 to masters.
Section 68.	Official log books.
Section 69.	Lists of crew.
Section 70.	British seamen's cards.
Section 71.	Discharge books.
Section 72.	Returns of births and deaths in ships, etc.
Section 73.	Reports of shipping casualties.
Section 74.	Handing over of documents on change of master.
Section 75.	Admissibility in evidence and inspection of certain documents.

Provisions of the Act	Subject matter of provisions
Section 76. Section 77. Section 78. Section 79. Section 80. Section 81. Section 82. Section 83. Section 84. Section 88. Section 89. Section 90. Section 92. Section 93. Section 94.	Inspections. Stowaways. Unauthorised presence on board ship. Master's power of arrest. Registrar General of Shipping and Seamen. Appointment of superintendents. Appointment of wreck commissioners. Remuneration of wreck commissioners and assessors. Fees. Increase of penalty for sailing while ship under detention. Dealing with deserters under reciprocal agreements. Adaptation to metric units. Unregistered ships. Ships registered in independent Commonwealth countries. Power to extend Act to certain territories outside the United Kingdom, and to ships registered therein. Fishing vessels.
In section 95, subsections (1) and (4) to (6).	Fishing vessels.
Section 96. Section 97. Section 98. Section 99.	Non-sea-going ships. Interpretation. Expenses and receipts. Regulations and rules.
In Section 100— subsections (1) and (2), except so much thereof as relates to the provisions of Schedules 3 and 4 not brought into force by this Schedule; subsection (3) so far as it relates to provisions of Schedule 5 brought into force by this Schedule.	Amendments, savings, transitional provisions and repeals.
Section 101. In Schedule 2— Paragraph 1 and Part II.	Citation, construction and commencement. Fishing vessels.
In Schedule 3— Paragraphs 1 to 4; Paragraphs 8 and 9; Paragraphs 11 to 13.	Minor and consequential amendments.
In Schedule 4— Paragraphs 1 to 4.	Savings and transitional provisions.
Schedule 5, so far as it relates to the repeals set out in the Appendix to this Schedule.	Enactments repealed.

APPENDIX TO SCHEDULE 1

REPEALS TAKING EFFECT ON 1ST JANUARY 1973

Chapter	Short Title	Extent of repeal
57 & 58 Vict. c. 60.	The Merchant Shipping Act 1894.	<p>In Part I— In section 85(3), the words “in the ship’s official log book, and also”.</p> <p>In Part II— Sections 105 to 109; Sections 113 to 125; Sections 127 to 156; Sections 159 to 199; Sections 201 to 206; Sections 211 to 255; Sections 257 to 266.</p> <p>In Part III— Sections 268 to 270; Section 271(3); Sections 289 to 355; In section 356, paragraph (a); Sections 357 and 358; Section 359(2); In section 360, subsections (1) and (2); Sections 361 and 362; In section 363, the words “or emigrant ship”; Sections 364 and 365.</p> <p>In Part IV— In section 370, in the definition of “fishing boat”, the words from “but” to “profit”; Sections 376 to 384; Sections 387 and 388; Sections 391 to 412.</p> <p>In Part V— Section 423; Sections 425 and 426; Section 436(3); In section 458(1), the words from “and in every” to “on board any ship”; In section 463, the words “or apprentice” wherever they occur.</p> <p>In Part VI— Section 477; In section 487(3), the words from “by the local marine board” to “board”; Section 491.</p> <p>In Part VIII— Section 507.</p> <p>In Part XIII— Section 690.</p> <p>In Part XIV— In section 714, the words “local marine boards and”; Section 725; In section 745(1)(b), the words “savings bank or”.</p> <p>Schedules 7 and 8.</p>
6 Edw. 7. c. 48.	The Merchant Shipping Act 1906.	<p>Sections 9 and 12. Section 14. In section 16(1), the words “whether cabin or steerage passengers”. Sections 17 to 20. Sections 23 and 24.</p>

Chapter	Short Title	Extent of repeal
6 Edw. 7. c. 48— cont.	The Merchant Shipping Act 1906—cont.	Sections 25 and 26. Sections 28 to 43. In section 44, in paragraph (a) of subsection (1), the words “in the case of a foreign-going ship” and the words from “before whom the offender is discharged” to “at which the crew are discharged”, in paragraph (b) of subsection (1), the words “by whose sanction he is discharged” and in paragraph (b) of subsection (2), the words from “before whom the crew is discharged” to “the port at which the crew is discharged.” Sections 45 to 48. Section 57. Sections 59 to 63. Section 65. Section 74. Section 82(1). Schedule 1.
1 & 2 Geo. 5. c. 8.	The Merchant Shipping (Seamen's Allotment) Act 1911.	The whole Act.
13 & 14 Geo. 5. c. 4.	The Fees (Increase) Act 1923.	In section 2, subsection (1)(c).
13 & 14 Geo. 5. c. 40.	The Merchant Shipping Acts (Amendment) Act 1923.	The whole Act.
24 & 25 Geo. 5. c. 18.	The Illegal Trawling (Scotland) Act 1934.	In section 6, the words “mercantile marine office”.
1 & 2 Geo. 6. c. 4.	The Merchant Shipping (Superannuation Contributions) Act 1937.	The whole Act.
1 & 2 Geo. 6. c. 30.	The Sea Fish Industry Act 1938.	Part IV.
9 & 10 Geo. 6. c. 26.	The Emergency Laws (Transitional Provisions) Act 1946.	In Schedule 2, the entry relating to the Merchant Shipping Act 1894.
11 & 12 Geo. 6. c. 10.	The Emergency Laws (Miscellaneous Provisions) Act 1947.	Section 2(2).
11 & 12 Geo. 6. c. 44.	The Merchant Shipping Act 1948.	Section 7.
12 & 13 Geo. 6. c. 29.	The Consular Conventions Act 1949.	Section 5(1).
12 & 13 Geo. 6. c. 43.	The Merchant Shipping (Safety Convention) Act 1949.	Section 2(3). Section 18(5). Section 19(1)(d). In section 22, subsections (6) and (7).

Chapter	Short Title	Extent of repeal
14 Geo. 6. c. 9.	The Merchant Shipping Act 1950.	Section 2. Schedule 2.
1 & 2 Eliz. 2. c. 20.	The Births and Deaths Registration Act 1953.	Section 13(3).
1 & 2 Eliz. 2. c. 47.	The Emergency Laws (Miscellaneous Provisions) Act 1953.	Section 4.
1963 c. 49.	The Contracts of Employment Act 1963.	Section 6(2)(b).
1965 c. 19 (N.I.).	The Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965.	Section 6(1)(b).
1965 c. 32.	The Administration of Estates (Small Payments) Act 1965.	In Part I of Schedule 1, the entry relating to the Merchant Shipping Act 1894.
1966 c. 20.	The Ministry of Social Security Act 1966.	Section 37. In section 38, paragraph (c) and the word "and" preceding that paragraph. Schedule 5. In Schedule 6, paragraphs 1 and 2.
1966 c. 28 (N.I.).	The Supplementary Benefits &c. Act (Northern Ireland) 1966.	Section 41. Schedule 4.
1967 c. 25 (N.I.).	The Births and Deaths Registration Act (Northern Ireland) 1967.	Section 28(5).
1967 c. 27.	The Merchant Shipping (Load Lines) Act 1967.	In section 10, in subsection (1), paragraph (b) and the word "and" immediately preceding that paragraph, and in subsection (2), paragraph (a).
1968 c. 34 (N.I.).	The Children and Young Persons Act (Northern Ireland) 1968.	In Schedule 7, paragraphs 1 and 2.
1969 c. 48.	The Post Office Act 1969.	In Part III of Schedule 6, the entry relating to section 141 of the Merchant Shipping Act 1894.

SCHEDULE 2

PROVISIONS COMING INTO FORCE ON 6TH APRIL 1974

Provisions of the Act	Subject matter of provisions
In section 100, subsection (3) so far as it relates to the provisions of Schedule 5 brought into force by this Schedule.	Repeals.
In Schedule 3, paragraph 14.	Minor and consequential amendments.
Schedule 5, so far as it relates to the repeals set out in the Appendix to this Schedule.	Enactments repealed.

APPENDIX TO SCHEDULE 2

REPEAL TAKING EFFECT ON 6TH APRIL 1974

Chapter	Short Title	Extent of repeal
1970 c. 10.	The Income and Corporation Taxes Act 1970.	In section 414, in subsection (1), paragraph (c) and the word "or" preceding that paragraph, and in subsection (7), the definition of "seamen's savings bank".

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order brings into force on the dates specified in it the provisions of the Merchant Shipping Act 1970 specified in the Schedules to the Order and also effects the repeals set out in the Appendices to those Schedules.

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