

1988 No. 1010 (C. 32)

MERCHANT SHIPPING

**The Merchant Shipping Act 1988 (Commencement
No. 1) Order 1988**

Made - - - - - *6th June 1988*

The Secretary of State of Transport, in exercise of powers conferred on him by section 58(2) of the Merchant Shipping Act 1988(a) 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 1988 (Commencement No. 1) Order 1988.

2. The provisions of the Merchant Shipping Act 1988 specified in the first column of the Schedule to this Order (which relate to the matters specified in the second column of that Schedule) shall come into force on 4th July 1988.

Signed by authority of the Secretary of State

6th June 1988

David B. Mitchell
Minister of State, Department of Transport

SCHEDULE

PROVISIONS COMING INTO FORCE ON 4TH JULY 1988

<i>Provisions of the Act</i>	<i>Subject matter of provisions</i>
Section 11	Categorisation of dependent territory registries
Section 26	Assistance for training
Section 27	Assistance for crew relief costs
Sections 28 and 29	Merchant Navy Reserve
Section 30	Owner and master liable in respect of dangerously unsafe ship
Section 31	Owner liable for unsafe operation of ships
Section 32	Conduct endangering ship, structures or individuals
Section 33	Marine Accident Investigation Branch
Section 35	Ship to ship transfers

(a) 1988 c.12.

[DET 7554]

SCHEDULE (cont.)

<i>Provisions of the Act</i>	<i>Subject matter of provisions</i>
Section 36	Amendments of Coast Protection Act 1949(a) relating to safety of navigation
Section 37	Licensing of tidal works by harbour authorities
Section 38	Powers to take retaliatory action
Sections 39 and 40	Restrictions on access to UK cabotage
Sections 41 to 43	Financing and administration of lighthouse service
Sections 44 and 45	Inquiries
Section 46	Payment of seamen's wages
Section 47	Application of Merchant Shipping Acts to ships chartered by the Crown
Section 48 so far as it relates to the provisions of Schedule 5 set out below in this Schedule	Miscellaneous amendments of the Merchant Shipping Acts
Section 49	Application to hovercraft
Section 50	Application to unregistered ships
Section 51	Offences by bodies corporate
Section 53	Regulations
Section 55	Financial provisions
Section 56	Extension of Act to overseas territories
In section 57, subsections (1), (2) (3) and (4) so far as it relates to the provisions of Schedule 6 set out below in this Schedule and subsection (5) so far as it relates to the provisions of Schedule 7 set out below in this Schedule	Interpretation, minor and consequential amendments and repeals
In sections 58 subsections (1), (2), (3) and (5) and subsection (4) so far as it relates to the provisions of Schedule 8 set out below in this Schedule	Citation, commencement, transitional provisions and extent
Schedule 5 except for:	Miscellaneous amendments to the Merchant Shipping Acts
(i) paragraph 4 of the entry for Merchant Shipping Act 1894 (amendment to s.634(1)(a))	
(ii) entry for Merchant Shipping Act 1906 (omission of s.52)	
(iii) paragraph 7 of the entry for the Merchant Shipping Act 1970 (omission of section 89).	
In Schedule 6:-	Minor and consequential amendments to or in respect of:
Paragraph 1 of the entry for the Merchant Shipping Act 1894	Power to detain unsafe ships
Paragraph 2 of the entry for the Merchant Shipping Act 1894	Application to foreign ships of provisions as to detention
Paragraph 3 of the entry for the Merchant Shipping Act 1894	Enforcing detention of ship
The entry for the Merchant Shipping (Amendment) Act 1920(b)	Amendment of section 659 of the 1894 Act
The entry for the Merchant Shipping Act 1965(c)	Tonnage regulations
Paragraph 1 of the entry for the Merchant Shipping Act 1970	Defence of drug taken for medical purposes
Paragraph 2 of the entry for the Merchant Shipping Act 1970	Formal investigation into shipping casualty
Paragraph 3 of the entry for the Merchant Shipping Act 1970	Rules as to inquiries etc.

(a) 1949 c.74.

(b) 1920 c.2.

(c) 1965 c.47.

SCHEDULE (cont.)

<i>Provisions of the Act</i>	<i>Subject matter of provisions</i>
Paragraph 4 of the entry for the Merchant Shipping Act 1970	Application of sections 62 to 66 to Masters
Sub-paragraph (a) of paragraph 5 of the entry for the Merchant Shipping Act 1970	Section 95 (fishing vessels)
Paragraph 1 of the entry for the Merchant Shipping Act 1979	Prevention of pollution from ships etc
Paragraph 2 of the entry for the Merchant Shipping Act 1979	Supplementary provisions about inspectors
Paragraph 3 of the entry for the Merchant Shipping Act 1979	Power to extend Act to certain countries, etc
Paragraph 4 of the entry for the Merchant Shipping Act 1979	Miscellaneous penalties on summary conviction
The entry for the Supreme Court Act 1981(a)	Admiralty jurisdiction of High Court
Paragraph 2 of the entry for the Merchant Shipping Act 1983	Small ships: amendments of Merchant Shipping Acts
The entry for the Merchant Shipping Act 1984(b)	Statutory provisions which are relevant for the purpose of serving notices in connection with safety and other matters
Schedule 7, so far as it relates to the repeals set out in the Appendix to this Schedule	Enactments repealed
In Schedule 8, paragraphs 1 and 3	Transitional provisions and savings
(a) 1981 c.54.	(b) 1984 c.5.

APPENDIX

Repeals taking effect on 4th July 1988

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
1894 c.60.	Merchant Shipping Act 1894.	Section 463. Section 648(1). In section 652(4) the words from “; and those reports” onwards. Section 663. In section 676(1), paragraph (i). In section 677, paragraph (i). In section 731, the words “or by the Board of Trade” and “or of the Board of Trade”. Section 744.
1897 c.59.	Merchant Shipping Act 1897.	In section 1, in subsection (1) the words from “as if” (where first occurring) to ““machinery”, and”, and subsection (2).
1898 c.44.	Merchant Shipping (Mercantile Marine Fund) Act 1898.	Section 2(4).
1906 c.48.	Merchant Shipping Act 1906.	In section 2, paragraph (1) and the “(2)” immediately following it. Section 83.
1950 c.9.	Merchant Shipping Act 1950.	Section 4.
1968 c.13.	National Loans Act 1968.	In Schedule 4, in paragraph 2, the words from “Section 663” onwards.

APPENDIX (cont.)

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
1970 c.36.	Merchant Shipping Act 1970.	Section 23. In section 30, paragraphs (a) and (b). In section 32, "30(b)". Section 42(2). In sections 52(3) and 54(2), the words from "and the persons" onwards. Section 55. Sections 65 and 66. In section 92, the word "British".
1974 c.52.	Trade Union and Labour Relations Act 1974.	In Schedule 3, in paragraph 14 the words from "in subsection (2)" to "1974)" and".
1979 c.39.	Merchant Shipping Act 1979.	In section 28(7)(a), "463(5)". Section 32(2) and (3). In section 37, subsection (4), and in subsection (6) the word "British". In section 40, in subsection (1) paragraphs (a), (c) and (d), and subsection (2). Section 44. Section 45(1). In Schedule 6— in Part II, the entry relating to section 23(3) of the Merchant Shipping Act 1970. in Part IV, the entry relating to section 73(2) of that Act. in Part VII, paragraph 19.
1983 c.13.	Merchant Shipping Act 1983.	Sections 1 to 4. In section 9(1), the words "any registered ship measured for length or".

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 4th July 1988 the provisions of the Merchant Shipping Act 1988 specified in the Schedule to the Order, and also effects the repeals set out in the Appendix to the Schedule.

In general the whole Act, which made a variety of amendments to the Merchant Shipping Acts, is brought into force, except Part I (Registration of British ships) (other than section 11, Regulation of registration in overseas territories by reference to categories of registries) and Part II (Registration of British Fishing Vessels), and the provisions consequential on those Parts, and except also a few other minor amendments.

85p net

ISBN 0 11 087010 7

Printed in the United Kingdom for Her Majesty's Stationery Office

850 WO.938 C35 6/88 452/3 4235 PS 8901376 881583K