

SCHEDULE 1

PART A

modifications of the provisions of the merchant shipping act 1970 applied by article 2

1) For section 55(1) substitute the following subsections (1) and (2), and accordingly renumber subsections (1A) and (2) as (3) and (4):

“(1) Subject to subsection (2) below, where any of the following casualties has occurred, that is to say when a hovercraft—

- (a) has sustained, caused or been involved in any accident occasioning loss of life or any serious injury to any person;
- (b) becomes lost, abandoned, missing or stranded;
- (c) suffers such damage as the result of any accident that its safety is impaired;
- (d) becomes involved in a collision with another hovercraft or a ship; or
- (e) causes any damage;

the Secretary of State—

- (i) may cause a preliminary inquiry into the casualty to be held by a person appointed for the purpose by the Secretary of State; and
- (ii) may (whether or not a preliminary inquiry into the casualty has been held) cause a formal investigation into the casualty to be held, if in England, Wales or Northern Ireland, by a wreck commissioner and, if in Scotland, by the sheriff.

(2) Subsection (1) above only applies if—

- (a) the occurrence took place—
 - (i) on or over the sea or other navigable water; or
 - (ii) between the time when any person goes on board the hovercraft for the purpose of making a journey which would involve crossing the sea or other navigable water and the time when it comes to rest at the end of such a journey; or
 - (iii) during the testing or maintenance of a hovercraft which normally makes a journey on or over the sea or other navigable water; and also only
- (b) if at the time the occurrence took place the hovercraft—
 - (i) was registered in the United Kingdom or
 - (ii) was operating unregistered in accordance with any provisions of any Order for the time being in force made under section 1(1)(a) of the Hovercraft Act 1968, or
 - (iii) was within the United Kingdom or United Kingdom territorial waters, or
 - (iv) was not registered under the law of any country but was owned by persons any one of whom is ordinarily resident, or being a company has its principal place of business in the United Kingdom.”.