
STATUTORY INSTRUMENTS

1997 No. 2586

MERCHANT SHIPPING

**The Merchant Shipping (Salvage Convention)
(Overseas Territories) Order 1997**

Made - - - - - *30th October 1997*

Coming into force *30th November 1997*

**THE MERCHANT SHIPPING (SALVAGE CONVENTION)
(OVERSEAS TERRITORIES) ORDER 1997**

1. Citation and commencement
 2. Implementation of the Salvage Convention
 3. Interpretation
- Signature

SCHEDULE 1 TO THE —
ORDER

Anguilla British Antarctic Territory British Indian Ocean Territory Cayman
Islands...

SCHEDULE 2 TO THE — SECTIONS 224 AND 255(1) OF THE MERCHANT SHIPPING
ORDER ACT 1995

Salvage

224. Salvage Convention 1989 to have force of law
255. (1) In this Part— ... “salvage” includes, subject to the...

SCHEDULE 11 TO — INTERNATIONAL CONVENTION ON SALVAGE 1989
THE MERCHANT
SHIPPING ACT 1995

PART I — TEXT OF CONVENTION

CHAPTER I—

GENERAL PROVISIONS

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

ARTICLE 1

Definitions

For the purpose of this Convention— (a) Salvage operation means...

ARTICLE 2

Application of the Convention

This Convention shall apply whenever judicial or arbitral proceedings relating...

ARTICLE 3

Platforms and drilling units

This Convention shall not apply to fixed or floating platforms...

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

A contract or any terms thereof may be annulled or...

CHAPTER II—

PERFORMANCE OF SALVAGE OPERATIONS

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

Nothing in this Convention shall affect the right of the...

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

Cooperation

A State Party shall, whenever regulating or deciding upon matters...

CHAPTER III—

RIGHTS OF SALVORS

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...

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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

No payment is due under the provisions of this Convention...

ARTICLE 18

The effect of salvor's misconduct

A salvor may be deprived of the whole or part...

ARTICLE 19

Prohibition of salvage operations

Services rendered notwithstanding the express and reasonable prohibition of the...

CHAPTER IV—

CLAIMS AND ACTIONS

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

The right of the salvor to interest on any payment...

ARTICLE 25

State-owned cargoes

Unless the State owner consents, no provision of this Convention...

ARTICLE 26

Humanitarian cargoes

No provision of this Convention shall be used as a...

ARTICLE 27

Publication of arbitral awards

States Parties shall encourage, as far as possible and with...

PART II — PROVISIONS HAVING EFFECT IN CONNECTION WITH CONVENTION

Interpretation

1. In this Part of this Schedule: (a) “the Convention” means...
2. Claims excluded from Convention

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...

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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...

Explanatory Note