
STATUTORY INSTRUMENTS

1998 No. 209

MERCHANT SHIPPING

**The Merchant Shipping (Compulsory Insurance: Ships
Receiving Trans-shipped Fish) Regulations 1998**

<i>Made</i>	- - - -	<i>3rd February 1998</i>
<i>Laid before Parliament</i>		<i>12th February 1998</i>
<i>Coming into force</i>	- -	<i>6th April 1998</i>

The Secretary of State, in exercise of the powers conferred by section 192A(1), (4), (5) and (6) of the Merchant Shipping Act 1995(1) hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Merchant Shipping (Compulsory Insurance: Ships Receiving Trans-shipped Fish) Regulations 1998 and shall come into force on 6th April 1998.

Interpretation

2. In these Regulations—

“the Act” means the Merchant Shipping Act 1995;

“Merchant Shipping Notice No.MSN 1711” means the Notice described as such, issued by the Secretary of State, and includes a reference to any document amending or replacing it which is considered by the Secretary of State to be relevant from time to time;

“trans-shipment licence” means a licence under section 4A of the Sea Fish (Conservation) Act 1967(2).

Application

3. These Regulations apply to ships in respect of which trans-shipment licences are in force, while in United Kingdom waters.

(1) 1995 c. 21; section 192A was inserted by the Merchant Shipping and Maritime Security Act 1997 (c. 28), section 16.

(2) 1967 c. 84; section 4A was inserted by the Fisheries Act 1981 (c. 29), section 21(1).

Insurance or security to be in force

4.—(1) Subject to paragraphs (2) and (3) below the owner, charterer and master of a ship shall ensure that there is in force in respect of the ship a contract of insurance complying with regulation 6 below insuring the owner against the liabilities mentioned in regulation 5.

(2) In place of a contract of insurance there may be in force such other form of security as complies with regulation 6 below which will enable the owner to meet the liabilities mentioned in regulation 5.

(3) Paragraphs (1) and (2) are without prejudice to any entitlement to limit liability provided by section 185 of the Act and contracts of insurance and security may be limited accordingly.

Liability to be covered

5. The liabilities to be covered are—

- (a) any liability under section 154 of the Act;
- (b) any liability for the costs of any operation to remove or render harmless the ship, or any article which had been on the ship, taken under the powers conferred by sections 252 or 253 of the Act or under corresponding powers under any statutory provision of local application;
- (c) any liability for payment of salvage awards under Article 12 or 13, and special compensation under Article 14, of the International Convention on Salvage 1989⁽³⁾; and
- (d) any liability for the cost of providing relief to, and of repatriating, seamen left behind or shipwrecked.

Contracts of insurance and other security

6. A contract of insurance or other security shall be sufficient for the purpose of these Regulations only if it satisfies all requirements (whether as to the person issuing it, the amount of compensation available, or for any other reason) as is specified in Merchant Shipping Notice No. MSN 1711.

Documents

7.—(1) Where a person is required under these Regulations to ensure that there is in force a contract of insurance or other security, documentary evidence of compliance with this requirement shall be carried in the ship. Such documentary evidence shall be in the form specified in Merchant Shipping Notice No. MSN 1711.

(2) The master and any other officer on the ship shall produce on demand such documentary evidence to any person mentioned in paragraph (a), (b) or (c) of section 258(1) of the Act.

Penalties

8.—(1) If there is any contravention of regulation 4, the owner, charterer and master shall each be guilty of an offence punishable on summary conviction by a fine not exceeding £50,000.

(2) Any contravention of regulation 7 shall be an offence by any person required to produce documentary evidence punishable on summary conviction by a fine not exceeding level 4 on the standard scale.

(3) It shall be a defence for a person charged with an offence under paragraph (1) or (2) of this regulation to show that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(3) The Convention is set out in Schedule 11 to the Act.

Power to detain

9. In any case where a ship does not comply with the requirements of these Regulations, the ship shall be liable to be detained and section 284 of the Act⁽⁴⁾ (which relates to the detention of a ship) shall have effect in relation to the ship, subject to the modification that as if for the words “this Act”, wherever they appear, there were substituted “the Merchant Shipping (Compulsory Insurance: Ships Receiving Trans-shipped Fish) Regulations 1998”.

Signed by the authority of the Secretary of State

Glenda Jackson
Parliamentary Under-Secretary of State,
Department of the Environment, Transport, and
the Regions

3rd February 1998

(4) Section 284 was amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), Schedule 1.

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make insurance, or another form of financial security, compulsory for any ship in respect of which a trans-shipment licence issued under section 4A of the Sea Fish (Conservation) Act 1967 is in force. These trans-shipment licences are issued to all ships involved in trans-shipment operations in respect of pelagic fish in United Kingdom waters, whether the ship is used to process fish or to store and refrigerate it.

The insurance or security must cover the liabilities specified in regulation 5. In addition, it must satisfy the requirements specified in Merchant Shipping Notice No. MSN 1711; and documentary evidence of compliance with the Regulations, in the form specified in that Notice, must be carried on board the ship.

A compliance cost assessment has been prepared, and copies can be obtained from Shipping Policy Directorate, the Department of the Environment, Transport and the Regions, Zone 4-12, Great Minster House, 76 Marsham Street, London SW1P 4DR, (Tel. 0171 271 3893). A copy has been placed in the Library of each House of Parliament.

Copies of Merchant Shipping Notice No. MSN 1711 may be obtained from Eros Marketing Support Services, Unit B, Imber Court Trading Estate, Orchard Lane, East Molesey KT8 0BN.