



Merchant Shipping Act 1995

1995 CHAPTER 21

PART XIII

SUPPLEMENTAL

Special provisions for Scots law

312 Special provisions for Scots law.

- (1) Nothing in this Act shall be held in any way to annul or restrict the common law of Scotland with regard to the prosecution or punishment of offences at the instance or on the authority or with the concurrence of the Lord Advocate, or on the authority of the High Court or to any punishment consequent on such prosecution or the rights of owners or creditors in regard to enforcing a judicial sale of any ship and equipment, or to give to the High Court in England and Wales any jurisdiction in respect of salvage in Scotland which it did not have or exercise before 25 August 1894.
- (2) Any enactment which confers on any court in Scotland Admiralty jurisdiction in respect of damage shall have effect as if references to damage included reference to damages for loss of life or personal injury, and accordingly proceedings in respect of such damages may be brought in rem or in personam.

Changes to legislation:

Merchant Shipping Act 1995, Section 312 is up to date with all changes known to be in force on or before 18 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 145(2)(a)(ia) inserted by [2003 c. 44 Sch. 36 para. 13\(2\)](#)
- s. 145(2)(a)(ia) words substituted by [2015 c. 2 Sch. 11 para. 16\(2\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 145(2)(a)(ia) by 2003 c. 44, Sch. 36 para. 13 is still prospective.)
- s. 145(2A) inserted by [2003 c. 44 Sch. 36 para. 13\(3\)](#)
- s. 145(2A) words substituted by [2015 c. 2 Sch. 11 para. 16\(3\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 145(2A) by 2003 c. 44, Sch. 36 para. 13 is still prospective.)