



# Merchant Shipping Act 1970

## 1970 CHAPTER 36

### *Miscellaneous*

#### **85 Amendment of Merchant Shipping (Safety Convention) <sup>M1</sup>Act 1949. U.K.**

- (1) For sections 3 and 6 of the <sup>M2</sup>Merchant Shipping (Safety Convention) Act 1949 there shall be substituted the sections set out in Schedule I to this Act.
- (2) In section 5(2) of that Act (rules for direction finders) the words “being ships of sixteen hundred tons gross tonnage or upwards ” shall be omitted.
- (3) Before making rules under any of those sections the Board of Trade shall consult with organisations in the United Kingdom appearing to them representative of persons who will be affected by the rules.

#### **Modifications etc. (not altering text)**

- C1** “Those sections ” means ss. 3, 5 and 6 of the [Merchant Shipping \(Safety Convention\) Act 1949 \(c. 43\)](#)
- C2** The text of s. 85(1)(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### **Marginal Citations**

- M1** [1949 c. 43.](#)
- M2** [1949 c. 43.](#)

#### **86 Nautical publications. U.K.**

- (1) The Board of Trade may make rules specifying such charts, directions or information as appear to the Board necessary or expedient for the safe operation of ships and those rules may require ships registered in the United Kingdom, or such descriptions of ships registered in the United Kingdom as may be specified in the rules, to carry, either at all times or on such voyages as may be specified in the rules, copies of the charts, directions or information so specified.

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- (2) If a ship goes to sea or attempts to go to sea without carrying copies of the charts, directions or information which it is required to carry by rules under this section the master or owner shall be liable on summary conviction to a fine not exceeding [<sup>F1</sup>level 4 on the standard scale].

#### Textual Amendments

- F1** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 46](#); (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), s. 289G](#) and (N.I.) [S.I. 1984/703 \(N.I. 3\), art. 5](#)

### 87 The merchant navy uniform. **U.K.**

- (1) The Board of Trade may make regulations prescribing a uniform, to be known as the merchant navy uniform, for the use of persons serving in ships registered in the United Kingdom, and distinguishing marks to be worn, as part of the uniform, by persons so serving in different positions or in different circumstances.
- (2) Regulations under this section may prescribe the persons by whom and the circumstances in which the merchant navy uniform or any part of it may be worn.
- (3) If a person wears the merchant navy uniform or any part of it, or wears anything bearing the appearance of the uniform or any part of it, when he is not authorised by regulations under this section to wear the uniform or that part he shall be liable on summary conviction to a fine not exceeding [<sup>F2</sup>level 3 on the standard scale].
- [<sup>F3</sup>(4) Where any design forming part of the merchant navy uniform has been registered under the Registered Designs Act 1949 and the Secretary of State is the proprietor of the design, his right in the design is not limited to the period prescribed by section 8 of that Act but shall continue to subsist so long as the design remains registered.]
- (5) Nothing in this section shall prohibit or restrict the use of the merchant navy uniform or any part of it for the purposes of any stage, film or television performance, unless the use is such as to bring the uniform into disrepute.

#### Textual Amendments

- F2** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), ss. 38, 46](#); (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), s. 289G](#) and (N.I.) [S.I. 1984/703 \(N.I. 3\), art. 5, 6](#)
- F3** [S. 87\(4\)](#) substituted by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\), s. 303\(1\), Sch. 7](#)

### 88 Increase of penalty for sailing while ship under detention. **U.K.**

In section 692(1) of the <sup>M3</sup>Merchant Shipping Act 1894 (enforcing detention of ship) for the words “one hundred pounds” there shall be substituted the words “two hundred pounds”.

#### Modifications etc. (not altering text)

- C3** The text of s. 88 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1970, Cross Heading: Miscellaneous. (See end of Document for details)*

#### Marginal Citations

M3 1894 c.60

### [<sup>F4</sup>89 Dealing with deserters under reciprocal arrangements. U.K.]

- (1) Subject to subsection (5) of this section, this section applies to any country to which, immediately before the coming into operation of the repeal by this Act of section 238 of the Merchant Shipping Act 1894, that section applied by virtue of an Order in Council made under it or having effect as if made under it.
- (2) Where a seaman deserts in the United Kingdom from a ship registered in a country to which this section applies, a justice of the peace may, on the application of a consular officer of that country and on information on oath, issue a warrant for the arrest of the seaman.
- (3) Where a seaman has been arrested on a warrant issued under this section a magistrates' court may, on proof of the desertion, order him to be conveyed on board his ship.
- (4) Where a seaman is liable to be arrested under this section, any person who, knowing or believing that he has deserted, does without lawful authority or reasonable excuse any act with intent to impede his arrest shall be liable on summary conviction to a fine not exceeding [<sup>F5</sup>level 2 on the standard scale].
- (5) Her Majesty may by Order in Council direct that this section shall cease to apply to any country specified in the Order.
- (6) In its application to Scotland this section shall have effect as if for the reference to a justice of the peace there were substituted a reference to a sheriff, magistrate or justice of the peace, for the reference to a magistrates' court a reference to a court of summary jurisdiction within the meaning of [<sup>F6</sup>the <sup>M4</sup>Criminal Procedure (Scotland) Act 1975], and for the reference to information on oath a reference to evidence on oath.
- (7) In its application to Northern Ireland this section shall have effect as if in subsection (3) for the reference to a magistrates' court there were substituted a reference to a court of summary jurisdiction.]

#### Textual Amendments

- F4** S. 89 repealed (*prosp.*) by Merchant Shipping Act 1988 (c. 12, SIF 111), ss. 48, 57(5), 58(2), Schs. 5, 7, (with s. 58(4), Sch. 8 para. 1)
- F5** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46; (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G and (N.I.) S.I. 1984/703 (N.I. 3), art. 5
- F6** Words substituted by virtue of Criminal Procedure (Scotland) Act 1975 (c. 21), s. 460(1)(b)

#### Marginal Citations

M4 1975 c. 21.

### 90 Adaptation to metric units. U.K.]

The Board of Trade may by regulations provide for such adaptations of any enactments contained in the Merchant Shipping Acts as appear to them appropriate for the purpose of replacing references therein to units other than metric units by references to metric

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units which are either equivalent thereto or such approximations thereto as appear to the Board desirable for the purpose of securing that the enactments as adapted are expressed in convenient terms.

## 91 Tonnage measurement and certificates. **U.K.**

For subsections (5) and (6) of section I of the <sup>M5</sup>Merchant Shipping Act 1965 (tonnage regulations) there shall be substituted the following subsections—

- “(5) Regulations under this section may make provision for the alteration (notwithstanding section 82 of the principal Act) of the particulars relating to the registered tonnage of a ship.
- (6) Regulations under this section may provide for the issue by the Board of Trade or by persons appointed by such organisations as may be authorised in that behalf by the Board of Trade of certificates of the registered tonnage of any ship or of the tonnage which is to be taken for any purpose specified in the regulations as the tonnage of a ship not registered in the United Kingdom, and for the cancellation and delivery up of such certificates in such circumstances as may be prescribed by the regulations.
- (6A) Regulations under this section requiring the delivery up of any certificate may make a failure to comply with the requirement an offence punishable on summary conviction with a fine not exceeding £100.”

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### Modifications etc. (not altering text)

- C4** The text of s. 91 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.
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### Marginal Citations

- M5** 1965 c.47.

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