



Merchant Shipping Act 1988

CHAPTER 12

MERCHANT SHIPPING ACT 1988

PART I

REGISTRATION OF BRITISH SHIPS

Preliminary

- 1 Effect of Part I and interpretation
- 2 British ships
- 3 Persons qualified to be owners of British ships

Registration under Part I of 1894 Act

- 4 Entitlement to registration under Part I of 1894 Act
- 5 Representative persons
- 6 Refusal of registration
- 7 Power of Secretary of State to direct removal from the register
- 8 Offences relating to furnishing of information, and duty to comply with directions
- 9 Duty of owner of registered ship to secure termination of any overseas registration
- 10 Amendments of Part I of 1894 Act

Registration in overseas territories

- 11 Regulation of registration in overseas territories by reference to categories of registries

PART II

REGISTRATION OF BRITISH FISHING VESSELS

Preliminary

- 12 Interpretation of Part II, etc

New system of registration for fishing vessels

- 13 Separate registration of fishing vessels
14 Eligibility for registration as British fishing vessel
15 Grant or refusal of applications for registration of fishing vessels
16 Termination of registration where vessel is not eligible for registration or is not certificated
17 Consequences of termination of registration by virtue of s.16
18 Registration of property in fishing vessels

Transfers etc. of registered vessels

- 19 Transfer of vessel or share by bill of sale
20 Transmission of property in vessel or share other than under s.19

Mortgages of registered vessels

- 21 Mortgages of registered vessels

Unregistered fishing vessels

- 22 Offences relating to, and liabilities of, unregistered fishing vessels

Supplemental

- 23 Notification of changes in ownership etc., and offences relating to furnishing of information
24 Penalties for offences under s. 22 or 23 and other provisions relating to such offences
25 Application of other enactments, etc

PART III**MISCELLANEOUS PROVISIONS RELATING TO MERCHANT SHIPPING ETC.***Financial assistance*

- 26 Financial assistance in respect of costs of training merchant navy officers and ratings
27 Financial assistance in respect of crew relief costs

The Merchant Navy Reserve

- 28 Establishment of the Merchant Navy Reserve
29 Supplementary provisions relating to Merchant Navy Reserve

Safety of navigation, oil pollution etc.

- 30 Owner and master liable in respect of dangerously unsafe ship
31 Owner liable for unsafe operation of ship
32 Conduct endangering ships, structures or individuals
33 Investigation of marine accidents
34 Liability and compensation for oil pollution damage
35 Regulation of transfers between ships in territorial waters

- 36 Amendments of Coast Protection Act 1949 relating to safety of navigation
- 37 Licensing of tidal works by harbour authorities

Protection of shipping interests

- 38 Amendments of Part III of Merchant Shipping Act 1974
- 39 Power to prohibit provision of coastal shipping services which are not British-based
- 40 Enforcement of s. 39

Financing and administration of lighthouse service

- 41 Joint discharge of functions by general lighthouse authorities
- 42 Borrowing powers in connection with lighthouse expenditure
- 43 Payment out of General Lighthouse Fund of certain expenses of Secretary of State

Inquiries

- 44 Power to summon witness to inquiry into fitness or conduct of officer or other seaman
- 45 Procedure where inquiry into fitness or conduct of officer or other seaman is held by sheriff

Crew agreements

- 46 Payment of wages on termination of crew agreement

Miscellaneous

- 47 Application of Merchant Shipping Acts to ships chartered by demise to the Crown
- 48 Miscellaneous amendments of Merchant Shipping Acts

PART IV

GENERAL

- 49 Application to hovercraft
- 50 Application to unregistered ships
- 51 Offences by officers of bodies corporate
- 52 Disclosure of information to Secretary of State by other government departments
- 53 Regulations
- 54 Notices under Parts I and II
- 55 Financial provisions
- 56 Extension of Act to overseas territories
- 57 Interpretation, minor and consequential amendments and repeals
- 58 Citation, commencement, transitional provisions and extent

SCHEDULES

SCHEDULE 1 — Amendments of Part I of Merchant Shipping Act 1894

- 1 Omit sections 1 to 3 (qualification for owning British ships...

Status: This is the original version (as it was originally enacted).

- 2 In section 4 (registrars of British ships)—
- 3 In section 5 (register books), for the words from “a...
- 4 In section 6 (survey and measurement of ships), omit “British”....
- 5 In section 7 (marking of ships)— (a) in subsection (1),...
- 6 In section 9 (declaration of ownership on registry)—
- 7 In section 11 (entry of particulars in register book), omit...
- 8 In section 13 (port of registry), omit “British”.
- 9 In section 14 (certificate of registry), for “book, with the...
- 10 In section 18 (provision for loss of certificate)—
- 11 Omit section 19 (endorsement of change of master on certificate)....
- 12 In section 21 (delivery up of certificate of ship lost...
- 13 For section 22 substitute— Provisional certificate for ship becoming entitled...
- 14 In section 23 (temporary passes in lieu of certificates of...
- 15 In section 24 (transfer of ships or shares), for subsection...
- 16 In section 25 (declaration of transfer)— (a) after “transferred” insert...
- 17 In section 26 (registration of transfers), omit “book” wherever occurring....
- 18 In section 27 (transmission of property in ship on death,...
- 19 In section 28 (order for sale on transmission to unqualified...
- 20 In section 30 (power of courts to prohibit transfer), for...
- 21 In section 31 (mortgage of registered ship or share), for...
- 22 In sections 32 and 33 (other provisions about mortgages), omit...
- 23 In section 37 (transfer of mortgages), for the words from...
- 24 In section 38 (transmission of interest in mortgage otherwise than...
- 25 Omit sections 39 to 46 (certificates of mortgage and sale)....
- 26 In the following provisions, namely— section 47(4) and (5) (rules...
- 27 In section 49(2) (rules as to registration of alterations), for...
- 28 In section 50(2) (provisional certificate and endorsement where ship is...
- 29 In section 53 (transfer of registry)— (a) in subsection (1)—...
- 30 After section 53 insert— Transfer of registry to overseas territory...
- 31 Omit section 54 (restrictions on re-registration of abandoned ships).
- 32 Omit section 55 (provision for cases of infancy or other...
- 33 In sections 56 and 57 (trusts and equitable rights), omit...
- 34 In section 59 (registration of managing owner or manager), for...
- 35 Omit section 61(1) (mode of making declarations).
- 36 In section 62 (application of fees), omit—
- 37 In section 63 (returns to be made by registrars)—
- 38 In section 64 (inspection and evidence of register book and...
- 39 In section 65 (forms of documents and instructions as to...
- 40 In section 67(2) (false declarations), after “any share therein,” insert...
- 41 In section 69(1) (penalty for unduly assuming British character), for...
- 42 For section 70 substitute— Penalty for concealing British character of...
- 43 Omit section 71 (penalty for acquiring ownership if unqualified).
- 44 For section 72 substitute— Liabilities of unregistered ships (1) Where a ship— (a) is 24 metres or more...
- 45 In section 73 (national colours for ships and penalty for...
- 46 In section 74 (penalty for ship not showing colours)—
- 47 (1) Section 76 (proceedings on forfeiture of ship) shall be...
- 48 In section 84(1) (tonnage of ships of foreign countries adopting...
- 49 Omit section 85 (space occupied by deck cargo to be...
- 50 Omit sections 88 to 90 (registration of ships abroad).
- 51 Omit section 91 (application of Part I).

52 In Schedule 1 (forms relating to registration)—

SCHEDULE 2 — Registration of Fishing Vessels: Supplementary Provisions

Interpretation

1 In this Schedule— “declaration of British character” means a declaration,...

Regulations: general provisions

2 Regulations may make provision— (a) for the persons by whom...

Provisional registration

3 Regulations may make provision— (a) for fishing vessels acquired outside...

Transfers of registration

4 (1) Regulations may make provision with respect to the transfer...

Offences

5 (1) Regulations may provide for the creation of offences and...

Operation of regulations in territorial waters

6 Regulations may provide for any of their provisions to extend...

Discharge of functions by persons appointed by Secretary of State

7 (1) The Secretary of State may appoint persons to discharge...

Construction of references in other enactments to fishing vessels excluded from registration

8 References in any statutory provision (apart from section 2(1)(c)) to...

SCHEDULE 3 — Mortgages of Registered Fishing Vessels

Interpretation

1 In this Schedule— “mortgage” shall be construed in accordance with...

Mortgages of registered vessels

2 (1) Any registered vessel or share in a registered vessel...

Priority of registered mortgages

3 Where two or more mortgages are registered in respect of...

Notices by intending mortgagees

4 (1) Where any person who is an intending mortgagee under...

Status: This is the original version (as it was originally enacted).

Registered mortgagee's power of sale

- 5 (1) Subject to sub-paragraph (2), every registered mortgagee shall have...

Transfer of registered mortgage

- 6 (1) A registered mortgage may be transferred by an instrument...

Transmission of registered mortgage by operation of law

- 7 Where the interest of a mortgagee in a registered mortgage...

Discharge of registered mortgage

- 8 Where a registered mortgage has been discharged, the Secretary of...

Transfer of mortgages from one system of registration to another

- 9 (1) Regulations may provide— (a) for the transfer to the...

SCHEDULE 4 — Amendments relating to Liability and Compensation for Oil Pollution Damage

Part I — AMENDMENTS OF MERCHANT SHIPPING (OIL POLLUTION) ACT 1971

- 1 For section 1 substitute— Liability for oil pollution (1) Where, as a result of any occurrence, any oil...
- 2 For section 2 substitute— Exceptions from liability under s.1 No liability shall be incurred by the owner of a...
- 3 For section 3 substitute— Restriction of liability for oil pollution...
- 4 For section 4 substitute— Limitation of liability under s.1 (1) Where, as a result of any occurrence, the owner...
- 5 In section 5 (limitation actions), after subsection (6) add—
- 6 In section 7 (concurrent liabilities of owners and others), for...
- 7 In section 9 (extinguishment of claims), after “escape” insert “,...
- 8 In section 10 (compulsory insurance against liability for pollution)—
- 9 In section 12 (rights of third parties against insurers)—
- 10 In section 13 (jurisdiction of United Kingdom courts, etc.), for...
- 11 In section 14(2) (Government ships), for the words from “Article...
- 12 In section 15 (liability for cost of preventive measures where...
- 13 In section 19(1) (meaning of “the Convention” etc.), for the...
- 14 For section 20 substitute— General interpretation (1) In this Act— “the court” means the High Court...

Part II — AMENDMENTS OF THE MERCHANT SHIPPING ACT 1974

- 15 For section 1 substitute— Interpretation of Part I (1) In this Part of this Act—
- 16 In section 2 (contributions by importers of oil and others),...
- 17 (1) Section 4 (liability of the Fund) shall be amended...
- 18 Omit section 5 (indemnification of shipowners).
- 19 In section 6 (jurisdiction and effect of judgments)—
- 20 In section 7 (extinguishment of claims)— (a) in subsection (2),...
- 21 In section 8 (subrogation and rights of recourse)—
- 22 After section 8 insert— Supplementary provisions as to proceedings involving...
- 23 In section 23(2) (construction etc.), omit the words from “,...

24 For Schedule 1 substitute— Schedule 1 Overall Limit on Liability...

SCHEDULE 5 — Miscellaneous Amendments of Merchant Shipping Acts

Merchant Shipping Law Amendment Act 1853 (c. 131)

Merchant Shipping Act 1894 (c. 60)

- 1 Omit section 463 (survey of ship alleged to be unseaworthy...
- 2 In section 531 (power of lighthouse authority to remove wreck),...
- 3 At the end of section 546 (salvage of cargo or...
- 4 In section 634(1)(a) (management of lighthouses etc.), omit “and at...
- 5 In section 648 (application and collection of light dues)—
- 6 In section 652(4) (inspection of local lighthouses), omit the words...
- 7 For section 658 substitute— Expenses of general lighthouse authorities to...
- 8 In section 659 (establishments of general lighthouse authorities)—
- 9 In section 676 (sums payable to Mercantile Marine Fund)—
- 10 In section 677 (application of Mercantile Marine Fund)—
- 11 In section 731 (exemption from rates)— (a) for “Mercantile Marine...
- 12 Omit section 744 (application of Act to vessels fishing for...

Merchant Shipping (Mercantile Marine Fund) Act 1898 (c. 44)

Merchant Shipping Act 1906 (c. 48)

Merchant Shipping Act 1970 (c. 36)

- 1 Omit section 23 (power of seamen to complain to master...
- 2 In section 30 (continued or concerted disobedience, neglect of duty...
- 3 In section 42 (trade disputes involving seamen), omit subsection (2)...
- 4 In section 56 (formal investigation into shipping casualty or incident),...
- 5 Omit sections 65 and 66 (custody and disposal of property...
- 6 After section 75 insert— Inspection and admissibility in evidence of...
- 7 Omit section 89 (return of deserters under reciprocal arrangements).
- 8 In section 92 (unregistered British ships)— (a) omit “British”; and...
- 9 In section 96 (non-sea-going ships)— (a) in subsection (1)—

Merchant Shipping (Oil Pollution) Act 1971 (c. 59)

Merchant Shipping Act 1979 (c. 39)

- 1 In section 46(1) (offences by officers of bodies corporate), for...
- 2 In section 49 (orders and regulations), as amended by section...

Merchant Shipping Act 1983 (c. 13)

Merchant Shipping Act 1984 (c. 5)

SCHEDULE 6 — Minor and Consequential Amendments

*Sea Fisheries Act 1868 (c. 45)**Merchant Shipping Act 1894 (c. 60)*

- 1 In section 459 (power to detain unsafe ships, and procedure...
- 2 In section 462 (application to foreign ships of provisions as...
- 3 In section 692 (enforcing detention of ship), at the end...

*Merchant Shipping Act 1906 (c. 48)**Merchant Shipping (Amendment) Act 1920 (c. 2)**Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 (c. 19)**Merchant Shipping Act 1965 (c. 47)**Sea Fish (Conservation) Act 1967 (c. 84)**Sea Fisheries Act 1968 (c. 77)**Fishing Vessels (Safety Provisions) Act 1970 (c. 27)**Merchant Shipping Act 1970 (c. 36)*

- 1 In section 33 (defence of drug taken for medical purposes),...
- 2 In section 56 (formal investigation into shipping casualty)—
- 3 In section 58(1) (rules as to inquiries etc.), for “55”...
- 4 In section 67 (application of sections 62 to 66 to...
- 5 In section 95 (fishing vessels)— (a) in subsection (1), for...

*Fishery Limits Act 1976 (c. 86)**Employment Protection (Consolidation) Act 1978 (c. 44)**Customs and Excise Management Act 1979 (c. 2)**Merchant Shipping Act 1979 (c. 39)*

- 1 In section 20(3)(a) (prevention of pollution from ships etc.), for...
- 2 In section 28(7)(b) (supplementary provisions about inspectors), for “sections 55(2)...
- 3 In section 47(2) (power to extend Act to certain countries,...
- 4 In paragraph 8 of Part VI of Schedule 6 (miscellaneous...

*Supreme Court Act 1981 (c. 54)**British Fishing Boats Act 1983 (c. 8)**Merchant Shipping Act 1983 (c. 13)*

- 1 In section 5 (registration of small ships)—
- 2 In section 9(1) (small ships: amendments of Merchant Shipping Acts),...

Merchant Shipping Act 1984 (c. 5)

Inshore Fishing (Scotland) Act 1984 (c. 26)

Safety at Sea Act 1986 (c. 23)

SCHEDULE 7 — Repeals

SCHEDULE 8 — Transitional Provisions and Savings

- 1 The amendments and repeals made by this Act do not—...
- 2 (1) This paragraph shall have effect in relation to any...
- 3 If the Secretary of State by order made by statutory...
- 4 Section 4(6) of this Act shall not have effect at...
- 5 In section 72(1) of the 1894 Act as amended by...