



# Merchant Shipping Act 1995

## 1995 CHAPTER 21

### [<sup>F1</sup>PART 9A U.K.]

#### WRECK REMOVAL CONVENTION

#### *[<sup>F1</sup>Reporting, marking and removing*

#### Textual Amendments

- F1** Pt. 9A inserted (5.2.2015 for the insertion of ss. 255A, 255J, 255N, 255R for specified purposes, 14.4.2015 in so far as not already in force) by [Wreck Removal Convention Act 2011 \(c. 8\), ss. 1\(2\), 2\(2\); S.I. 2015/133, arts. 2, 3](#)

#### **255B** Wreck reports **U.K.**

- (1) Where an accident results in a wreck in a Convention area, the persons responsible for any United Kingdom ship involved in the accident must report the wreck without delay.
- (2) If the wreck is in the United Kingdom's Convention area, it must be reported to the Secretary of State.
- (3) If the wreck is in the Convention area of any other State, it must be reported to the government of that State.
- (4) The following are responsible for a ship—
  - (a) the master of the ship, and
  - (b) the operator of the ship.
- (5) A report under subsection (1) must include the information mentioned in paragraph (2) of Article 5 of the Wrecks Convention (so far as it is known).
- (6) If one of the persons responsible for a ship makes a report under subsection (1) the others are no longer under a duty to make a report.

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- (7) Failure to comply with the reporting requirement is an offence.
- (8) A person guilty of an offence under this section is liable<sup>F2</sup>—  
[<sup>F2</sup>on summary conviction, or on conviction on indictment, to a fine].

#### Textual Amendments

- F2** Words in s. 255B(8) substituted (E.W.) (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), [Sch. 4 para. 27\(11\)](#) (with reg. 5(1))

### 255C Locating and marking wrecks **U.K.**

- (1) This section applies where an accident results in a wreck in the United Kingdom's Convention area.
- (2) The Secretary of State must ensure that the United Kingdom complies with its obligations under Articles 7 and 8 of the Wrecks Convention (locating and marking of wrecks).
- (3) The Secretary of State may, for those purposes, direct any of the following to take specified steps in relation to the wreck if it is within their area—
- a general lighthouse authority;
  - a harbour authority;
  - a conservancy authority.
- (4) A direction may require an authority to exercise or not to exercise a power under section 252 or 253 within their area [<sup>F3</sup>(and for this purpose a general lighthouse authority has the powers conferred by section 253 throughout their area)].
- <sup>F4</sup>(5) .....
- (6) A direction—
- must be in writing, or
  - where it is not reasonably practicable to give it in writing, must be confirmed in writing as soon as reasonably practicable.
- (7) An authority to whom a direction is given must comply with it.

#### Textual Amendments

- F3** Words in s. 255C(4) inserted (26.6.2013) by [Marine Navigation Act 2013 \(c. 23\)](#), [ss. 8\(2\)\(a\)](#), 13; [S.I. 2013/1489](#), [art. 2](#)
- F4** S. 255C(5) omitted (26.6.2013) by virtue of [Marine Navigation Act 2013 \(c. 23\)](#), [ss. 8\(2\)\(b\)](#), 13; [S.I. 2013/1489](#), [art. 2](#)

### 255D Removal by registered owner **U.K.**

- (1) This section applies where—
- a ship has been involved in an accident as a result of which it or anything from it has become a wreck in the United Kingdom's Convention area, and

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- (b) the Secretary of State has determined that the wreck poses a hazard.
- (2) The Secretary of State must take all reasonable steps to give a notice (a “wreck removal notice”) requiring the registered owner to comply with the obligations imposed on registered owners by paragraph 2 and 3 of Article 9 of the Wrecks Convention (removal of wrecks and production of evidence of insurance).
- (3) The notice must be in writing and must—
- (a) specify the deadline set under paragraph 6(a) of that Article for the removal of the wreck, and
  - (b) inform the registered owner of the other matters set out in paragraph 6(b) and (c) of that Article.
- (4) A registered owner who fails, without reasonable excuse, to comply with a notice by the specified deadline is guilty of an offence.
- (5) A registered owner guilty of the offence is liable<sup>[F5]</sup>—  
<sup>[F5]</sup>on summary conviction, or on conviction on indictment, to a fine].

#### Textual Amendments

- F5** Words in s. 255D(5) substituted (E.W.) (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), [Sch. 4 para. 27\(12\)](#) (with reg. 5(1))

#### 255E Imposition of conditions about removal **U.K.**

- (1) This section applies if the Secretary of State has given a registered owner a wreck removal notice.
- (2) The Secretary of State may impose conditions as to the removal of the wreck in accordance with paragraph 4 of Article 9 of the Wrecks Convention.
- (3) A condition is imposed by giving notice of it to the registered owner.
- (4) A registered owner who fails, without reasonable excuse, to comply with a condition is guilty of an offence.
- (5) A registered owner guilty of the offence is liable<sup>[F6]</sup>—  
<sup>[F6]</sup>on summary conviction, or on conviction on indictment, to a fine].

#### Textual Amendments

- F6** Words in s. 255E(5) substituted (E.W.) (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), [Sch. 4 para. 27\(13\)](#) (with reg. 5(1))

#### 255F Removal in default **U.K.**

- (1) The Secretary of State may remove a wreck in the United Kingdom's Convention area in the circumstances set out in paragraph 7 or 8 of Article 9 of the Wrecks Convention.

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- (2) The Secretary of State may, instead of exercising the power under subsection (1), direct that the power be exercised by any of the following—
- (a) a general lighthouse authority;
  - (b) a harbour authority;
  - (c) a conservancy authority.
- (3) A direction may be given to an authority only in relation to a wreck within the authority's area.
- <sup>F7</sup>(4) .....
- (5) A direction—
- (a) must be in writing, or
  - (b) where it is not reasonably practicable to give it in writing, must be confirmed in writing as soon as reasonably practicable.
- (6) An authority to whom a direction is given must comply with it.

#### Textual Amendments

- F7** S. 255F(4) omitted (26.6.2013) by virtue of [Marine Navigation Act 2013 \(c. 23\)](#), **ss. 8(3)**, 13; [S.I. 2013/1489](#), **art. 2**

### 255G Liability for costs **U.K.**

- (1) This section applies where—
- (a) a ship has been involved in an accident as a result of which it or anything from it has become a wreck in the United Kingdom's Convention area, and
  - (b) costs have been incurred complying with section 255C or 255F (locating and marking and removal of wrecks).
- (2) The person who incurred the costs is entitled to recover them from the ship's registered owner unless the owner proves that an exception set out in paragraph 1(a), (b) or (c) of Article 10 of the Wrecks Convention applies.
- (3) The owner is not liable for costs under this section if or to the extent that liability would conflict with—
- (a) a convention listed in paragraph 1 of Article 11 of the Wrecks Convention (exceptions to liability),
  - (b) an enactment implementing such a convention, or
  - (c) any other provision specified by order made by the Secretary of State.
- (4) Where the registered owner of each of two or more ships is liable for costs under this section but the costs for which each is liable cannot reasonably be separated, the registered owners shall be jointly liable for the total costs.
- (5) This section does not prevent the exercise of the right (if any) to limit liability by virtue of section 185.
- (6) An order under subsection (3)(c) may be made only if a draft has been laid before and approved by resolution of each House of Parliament.
- (7) An order may include incidental, supplemental or transitional provision.

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## **255H**   **Limitation period** **U.K.**

An action to recover costs under section 255G may not be brought after the end of whichever of the following ends earlier—

- (a) the period of 3 years beginning with the date on which a wreck removal notice was given in respect of the wreck, and
- (b) the period of 6 years beginning with the date of the accident which resulted in the wreck.

## **255I**   **Expenses of general lighthouse authorities** **U.K.**

Costs incurred by a general lighthouse authority in complying with a direction under section 255C or 255F shall be paid out of the General Lighthouse Fund if or to the extent that they are not recovered under section 255G; but section 213 shall apply as if they were expenses of the authority falling within subsection (1) of that section other than establishment expenses.]

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