



# Merchant Shipping Act 1995

## 1995 CHAPTER 21

### PART XII

#### LEGAL PROCEEDINGS

##### *Service of documents*

#### **291 Service of documents.**

- (1) Any document authorised or required to be served on any person may be served on that person—
  - (a) by delivering it to him;
  - (b) by leaving it at his proper address; or
  - (c) by sending it by post to him at his proper address.
- (2) Any such document required to be served on the master of a ship may be served—
  - (a) where there is a master, by leaving it for him on board the ship with the person appearing to be in command or charge of the ship;
  - (b) where there is no master, on—
    - (i) the managing owner of the ship; or
    - (ii) if there is no managing owner, on any agent of the owner; or
    - (iii) where no such agent is known or can be found, by leaving a copy of the document fixed to the mast of the ship.
- (3) Any document authorised or required to be served on any person may—
  - (a) in the case of a body corporate, be served on the secretary or clerk of that body;
  - (b) in the case of a partnership, be served on a partner or a person having the control or management of the partnership business or, in Scotland, on the firm.
- (4) Any notice authorised or required by or under Part II to be served on the Secretary of State may be served by post.

*Status: Point in time view as at 22/04/2014.*

*Changes to legislation: Merchant Shipping Act 1995, Cross Heading: Service of documents is up to date with all changes known to be in force on or before 14 July 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. (See end of Document for details)*

- (5) Any notice authorised by section 261, 262, 263 or 264 to be given to an inspector may be given by delivering it to him or by leaving it at, or sending it by post to, his office.
- (6) Any document authorised or required by or under any enactment to be served on the registered owner of a United Kingdom ship shall be treated as duly served on him if served on such persons, in such circumstances and by such method, as may be specified in registration regulations.
- (7) For the purposes of this section and of section 7 of the <sup>M1</sup>Interpretation Act 1978 (service of documents by post) in its application to this section, the proper address of any person on whom any document is to be served shall be his last known address, except that—
- (a) in the case of a body corporate or their secretary or clerk it shall be the address of the registered or principal office of that body;
  - (b) in the case of a partnership or a person having the control or management of the partnership business, it shall be the principal office of the partnership;
- and for the purposes of this subsection the principal office of a company registered outside the United Kingdom or of a partnership carrying on business outside the United Kingdom shall be their principal office in the United Kingdom.
- (8) If the person to be served with any notice has (whether in pursuance of registration regulations or otherwise) specified an address in the United Kingdom other than his proper address within the meaning of subsection (7) above as the one at which he or someone on his behalf will accept notices of the same description as that notice, that address shall also be treated for the purposes of this section and section 7 of the Interpretation Act 1978 as his proper address.
- (9) For the purposes of the said section 7 a letter containing—
- (a) a notice to be served on any person in pursuance of subsection (6) above, or
  - (b) a notice authorised or required to be served under registration regulations on a representative person (within the meaning of those regulations),
- shall be deemed to be properly addressed if it is addressed to that person at the address for the time being recorded in relation to him in the register; and a letter containing any other notice under registration regulations shall be deemed to be properly addressed if it is addressed to the last known address of the person to be served (whether of his residence or of a place where he carries on business).

#### Marginal Citations

**M1** 1978 c. 30.

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**Changes to legislation:**

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