



# Merchant Shipping Act 1995

## 1995 CHAPTER 21

### PART XIII U.K.

#### SUPPLEMENTAL

#### *Final provisions*

### 313 Definitions. U.K.

(1) In this Act, unless the context otherwise requires—

“British connection” has the meaning given in section 9(9);

“British citizen”, “British Dependent Territories citizen”, “British Overseas citizen” and “Commonwealth citizen” have the same meaning as in the <sup>M1</sup>British Nationality Act 1981;

“British ship” has the meaning given in section 1(1);

“commissioned military officer” means a commissioned officer in Her Majesty’s land forces on full pay;

“commissioned naval officer” means a commissioned officer of Her Majesty’s Navy on full pay;

“conservancy authority” includes all persons entrusted with the function of conserving, maintaining or improving the navigation of a tidal water (as defined in section 255);

“consular officer”, in relation to a foreign country, means the officer recognised by Her Majesty as a consular officer of that foreign country;

“contravention” includes failure to comply (and “failure” includes refusal);

“Departmental inspector” and “Departmental officer” have the meanings given in section 256(9);

“fishing vessel” means a vessel for the time being used (or, in the context of an application for registration, intended to be used) for, or in connection with fishing for sea fish other than a vessel used (or intended to be used) for fishing otherwise than for profit; and for the purposes of this definition “sea

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fish” includes shellfish, salmon and migratory trout (as defined by section 44 of the <sup>M2</sup>Fisheries Act 1981);

“foreign”, in relation to a ship, means that it is neither a United Kingdom ship nor a small ship (as defined in section 1(2)) which is a British ship;

“Government ship” has the meaning given in section 308;

“harbour” includes estuaries, navigable rivers, piers, jetties and other works in or at which ships can obtain shelter or ship and unship goods or passengers;

“harbour authority” includes all persons entrusted with the function of constructing, improving, managing, regulating, maintaining or lighting a harbour;

[<sup>F1</sup>“harbour authority” means, in relation to a harbour—

- (a) the person who is the statutory harbour authority for the harbour, or
- (b) if there is no statutory harbour authority for the harbour, the person (if any) who is the proprietor of the harbour or who is entrusted with the function of managing, maintaining or improving the harbour;]

“master” includes every person (except a pilot) having command or charge of a ship and, in relation to a fishing vessel, means the skipper;

[<sup>F2</sup>“Minister of the Crown” has the same meaning as in the Ministers of the <sup>M3</sup>Crown Act 1975;]

“port” includes place;

“proper officer” means a consular officer appointed by Her Majesty’s Government in the United Kingdom and, in relation to a port in a country outside the United Kingdom which is not a foreign country, also any officer exercising in that port functions similar to those of a superintendent;

[<sup>F3</sup>“qualifying foreign ship” has the meaning given in section 313A;]

“the register” and “registered” have the meaning given in section 23(1);

“the registrar”, in relation to the registration of ships, has the meaning given in section 8;

“registration regulations” means regulations under section 10;

“relevant British possession” means—

- (a) the Isle of Man;
- (b) any of the Channel Islands; and
- (c) any colony;

“safety regulations” means regulations under section 85;

“seaman” includes every person (except masters and pilots) employed or engaged in any capacity on board any ship;

“ship” includes every description of vessel used in navigation;

[<sup>F4</sup>“statutory harbour authority” means—

- (a) in relation to Great Britain, a harbour authority within the meaning of the <sup>M4</sup>Harbours Act 1964; and
- (b) in relation to Northern Ireland, a harbour authority within the meaning of the <sup>M5</sup>Harbours Act (Northern Ireland) 1970.]

“superintendent” means a mercantile marine superintendent appointed under section 296;

“surveyor of ships” has the meaning given in section 256(9);

“the tonnage regulations” means regulations under section 19;

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“United Kingdom ship” (and in Part V “United Kingdom fishing vessel”) has the meaning given in section 1(3) except in the contexts there mentioned; and

“wages” includes emoluments.

(2) In this Act—

- (a) “United Kingdom waters” means the sea or other waters within the seaward limits of the territorial sea of the United Kingdom; and
- (b) “national waters”, in relation to the United Kingdom, means United Kingdom waters landward of the baselines for measuring the breadth of its territorial sea.

[<sup>F5</sup>(2A) In this Act “right of innocent passage”, “right of transit passage” and “straits used for international navigation” shall be construed in accordance with the United Nations Convention on the Law of the Sea 1982.]

(3) A vessel for the time being used (or intended to be used) wholly for the purpose of conveying persons wishing to fish for pleasure is not a fishing vessel.

#### Textual Amendments

- F1** Definition of “harbour authority” in s. 313(1) inserted (17.17.1997) by 1997 c. 28, s. 29(1), **Sch. 6 para. 19(2)(a)**; S.I. 1997/1539, art. 2, **Sch.**
- F2** Definition of “Minister of the Crown” in s. 313(1) inserted (23.3.1997) by 1997 c. 28, s. 29(1), **Sch. 6 para. 19(2)(b)**; S.I. 1997/1082, art. 2, **Sch.**
- F3** Definition of “qualifying foreign ship” in s. 313(1) inserted (23.3.1997) by 1997 c. 28, s. 29(1), **Sch. 6 para. 19(2)(c)**; S.I. 1997/1082, art. 2, **Sch.**
- F4** Definition of “statutory harbour authority” in s. 313(1) inserted (17.7.1997) by 1997 c. 28, s. 29(1), **Sch. 6 para. 19(2)(d)**; S.I. 1997/1539, art. 2, **Sch.**
- F5** S. 313(2A) inserted (23.3.1997) by 1997 c. 28, s. 29(1), **Sch. 6 para. 19(3)**; S.I. 1997/1082, art. 2, **Sch.**

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

- C1** S. 313 extended (with modifications) to Jersey (1.12.1997) by S.I. 1997/2598, arts. 2, 3, **Sch. 1**  
S. 313 extended (with modifications) to Guernsey (11.3.1998) by 1998/260, arts. 2, 3, **Sch. 1**
- C2** S. 313 applied (30.3.2004) by **Railways and Transport Safety Act 2003 (c. 20), s. 89(2)**; S.I. 2004/827, art. 3(l)

#### Marginal Citations

- M1** 1981 c. 61.
- M2** 1981 c. 29.
- M3** 1975 c. 26.
- M4** 1964 c. 40.
- M5** 1970 c. 1 (N.I.).

[<sup>F6</sup>313A Meaning of “qualifying foreign ship”. **U.K.**

(1) In this Act “qualifying foreign ship” means any ship other than—

- (a) a British ship, or
- (b) a ship which is not registered under Part II and which (although not by virtue of section 1(1)(d) a British ship)—
  - (i) is wholly owned by persons falling within subsection (2) below, and

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(ii) is not registered under the law of a country outside the United Kingdom.

(2) The following persons fall within this subsection, namely—

- (a) British citizens,
- (b) British Dependent Territories citizens,
- (c) British Overseas citizens,
- (d) persons who under the <sup>M6</sup>British Nationality Act 1981 are British subjects,
- (e) British Nationals (Overseas) (within the meaning of that Act),
- (f) British protected persons (within the meaning of that Act), or
- (g) bodies corporate incorporated in the United Kingdom or in any relevant British possession and having their principal place of business in the United Kingdom or in any relevant British possession.]

#### Textual Amendments

**F6** S. 313A inserted (23.3.1997) by 1997 c. 28, s. 29(1), **Sch. 6 para. 20**; S.I. 1997/1082, art. 2, **Sch.**

#### Marginal Citations

**M6** 1981 c. 61.

### 314 Repeals, consequential amendments and transitional provisions. **U.K.**

- (1) The enactments specified in Schedule 12 (which include enactments which are spent) are, subject to subsection (3) below and to any Note at the end of the Schedule, repealed to the extent specified in the third column of that Schedule.
- (2) The enactments specified in Schedule 13 shall have effect subject to the amendments specified in that Schedule.
- (3) The saving and transitional provisions in Schedule 14 shall have effect.
- (4) The Secretary of State may, by order, make such amendments of any local Act or instrument so far as it provides for the registration of ships in local registers as appear to him to be appropriate in view of the provisions made for the register mentioned in section 8.

#### Commencement Information

**II** S. 314 partly in force; s. 314(1) not in force at Royal Assent (so far as it relates to the repeal in the Aliens Restriction (Amendment) Act 1919 or in the Local Government etc. (Scotland) Act 1994) see Sch. 14 para. 5; s. 314(2)-(4) in force at 1.1.1996, see s. 316(2)

### 315 Extent and application. **U.K.**

- (1) Except for sections 18 and 193(5), this Act extends to England and Wales, Scotland and Northern Ireland.
- (2) Her Majesty may by Order in Council direct that any provision of this Act and instruments made under this Act shall, with such exceptions, adaptations and

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modifications (if any) as may be specified in the Order, extend to any relevant British possession.

- (3) Her Majesty may, in relation to any relevant British possession, by Order in Council direct that, with such exceptions, adaptations and modifications (if any) as may be specified in the Order, any of the provisions of this Act shall have effect as if references in them to the United Kingdom included a reference to that possession.
- (4) An Order in Council under subsection (2) above may make such transitional, incidental or supplementary provision as appears to Her Majesty to be necessary or expedient.
- (5) Without prejudice to the generality of subsection (4) above, an Order in Council under this section may, in its application to any relevant British possession, provide for such authority in that possession as is specified in the Order to furnish the Secretary of State or the registrar with such information with respect to the registration of ships in that possession under its law as is specified in the Order or as the Secretary of State may from time to time require, and for any such information to be so furnished at such time or times and in such manner as is or are so specified or (as the case may be) as the Secretary of State may so require.

### **316 Short title and commencement. U.K.**

- (1) This Act may be cited as the Merchant Shipping Act 1995.
- (2) This Act shall come into force on 1st January 1996.

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

- C3** S. 317 extended (with modifications) to Jersey (1.12.1997) by [S.I. 1997/2598](#), arts. 2, 3, [Sch. 1](#)  
S. 316 extended (with modifications) to Guernsey (11.3.1998) by [S.I. 1998/260](#), arts. 2, 3, [Sch. 1](#)

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