

*Status: Point in time view as at 01/12/2003.*

*Changes to legislation: Merchant Shipping Act 1995, SCHEDULE 14 is up to date with all changes known to be in force on or before 16 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)*

## SCHEDULES

### SCHEDULE 14

Section 314.

#### TRANSITORY, SAVING AND TRANSITIONAL PROVISIONS

##### *Extra-territorial provisions*

- 1 (1) Without prejudice to section 315(1), the repeals made by this Act shall not affect the law in force in any country or territory which is outside the United Kingdom.
- (2) In particular, the repeal of section 735 of the <sup>M1</sup>Merchant Shipping Act 1894 shall not affect the power of Her Majesty in Council to confirm any legislation made by the legislature of a British possession under that section as it extends to that possession.
- (3) The provisions of this Act (including the repeal of any power by Order in Council to extend any enactment to a relevant British possession) or of any enactment which has been so extended, do not extend to any such possession except in so far as they are extended to that possession by an Order in Council under section 315(2) of this Act.

##### **Marginal Citations**

**M1** 1894 c. 60.

##### *References to registration in other legislation*

- 2 Any reference in an enactment in any other Act (not amended by Schedule 13), or in any instrument made under any other Act to the registration of a ship (or fishing vessel) under—
  - (a) Part I of the Merchant Shipping Act 1894,
  - (b) section 5 of the <sup>M2</sup>Merchant Shipping Act 1983,
  - (c) section 13 of the <sup>M3</sup>Merchant Shipping Act 1988, or
  - (d) section 1 of the <sup>M4</sup>Merchant Shipping (Registration, etc.) Act 1993,shall be construed, unless the context otherwise requires, as, or as including, a reference to registration under Part II of this Act; and connected phrases shall be construed accordingly.

##### **Marginal Citations**

**M2** 1983 c. 13.

**M3** 1988 c. 12.

**M4** 1993 c. 22.

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*Qualifications: certificates of A.B.*

- 3
- (1) A seaman engaged in any United Kingdom ship shall not be rated as A.B. unless he is the holder of a certificate of competency granted in pursuance of regulations under this paragraph.
  - (2) The Secretary of State may make regulations providing for the grant of certificates of competency as A.B. for the purposes of this paragraph.
  - (3) The regulations shall direct that no certificate shall be granted to any person unless—
    - (a) he has reached such minimum age as may be prescribed;
    - (b) he has performed such qualifying service at sea as may be prescribed; and
    - (c) he has passed such examination as may be prescribed.
  - (4) The regulations may make such consequential provisions as appear to the Secretary of State to be necessary or expedient, including provision—
    - (a) for the payment of prescribed fees in respect of any application for the grant or replacement of a certificate;
    - (b) for applying section 104 of the Merchant Shipping Act 1894 (offences) to certificates, subject to such adaptations and modifications as may be prescribed.
  - (5) Where provision is made by the law of any Commonwealth country for the grant of certificates of competency as A.B, and the Secretary of State is satisfied that the conditions under which such a certificate is granted require standards of competency not lower than those required for the grant of a certificate under the regulations, Her Majesty may by Order in Council direct that certificates granted in that country shall have the same effect for the purposes of this paragraph as if they had been granted under the regulations; and any such Order may apply to any such certificate any of the provisions of the regulations.
  - (6) Any Order in Council under sub-paragraph (5) above shall be laid before Parliament after being made.
  - (7) Any superintendent or other officer before whom a seaman is engaged in any United Kingdom ship shall refuse to enter the man as A.B. on the crew agreement unless the seaman produces a certificate or such other proof that he is the holder of such a certificate as may appear to the superintendent or other officer to be satisfactory.
  - (8) In this paragraph—
 

“certificate” means a certificate of competency under the regulations;

“prescribed” means prescribed by the regulations; and

“the regulations” means regulations under this paragraph.

*Manning: certificates existing in 1979*

- 4
- (1) The power to make regulations under section 47 includes power to make regulations providing that pre-1979 certificates shall, except in such cases as are specified in the regulations, be deemed for the purposes of such of the provisions of Part III as are so specified to be issued in pursuance of that section and to confer on the persons to whom they were issued such qualifications for the purposes of that section as are so specified.
  - (2) In this paragraph “pre-1979 certificate” means a certificate granted under section 93, 99 or 414 of the Merchant Shipping Act 1894, a certificate referred to in an Order in

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Council made under section 102 of that Act, a certificate granted under section 27(2) of the <sup>M5</sup>Merchant Shipping Act 1906 or by an institution approved in pursuance of that subsection and a certificate granted under section 5 of the <sup>M6</sup>Merchant Shipping Act 1948.

#### Marginal Citations

**M5** 1906 c. 48.

**M6** 1948 c. 44.

#### *Masters and seamen: postponed commencements*

- 5 (1) No provision to which this paragraph applies shall have effect until the Secretary of State by order appoints a day for that provision to come into force.
- (2) This paragraph applies to sections 60, 80(2) and (4), 111, 115, 116, 118, 119(2) and (3), 127, 314(1) so far as it relates to the repeal in the Aliens Restriction (Amendment) Act 1919 or in the Local Government etc. (Scotland) Act 1994.

#### *Masters and seamen and documents: transitory provisions*

- 6 (1) A provision to which this paragraph applies shall cease to have effect on such day as the Secretary of State by order appoints.
- (2) This paragraph applies to sections 57, 287(1)(a) and 298, paragraph 26 of Schedule 3 and paragraph 3 of this Schedule.

#### *Safety provisions: saving of instruments, etc*

- 7 (1) Notwithstanding the repeal by the Merchant Shipping (Registration, etc.) Act 1993 of the following provisions, instruments in force before the repeal under the provisions specified in the left-hand column shall continue in force until superseded by safety regulations and the related provisions specified in the right-hand column shall continue in force for the purposes of those instruments:

<i>Empowering provision</i>	<i>Related provisions</i>
1894 Act: section 427	— Section 430.
1949 Act: section 3 section 21	— Sections 3(5) and (6) and 28. — Section 21(3).
1964 Act: section 2	— —
1967 Act (c.64): section 1	— Section 1(2) and (3).
1977 Act: section 2	— —

- (2) The Secretary of State may exempt any ships or classes of ships from any requirements of the rules for life-saving appliances or the radio rules, either absolutely or subject to such conditions as he thinks fit.

In this sub-paragraph—

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“the rules for life-saving appliances” means rules under section 427 of the 1894 Act saved by sub-paragraph (1) above; and

“the radio rules” means rules under section 3 of the 1949 Act saved by that sub-paragraph.

*Oil pollution: saving for certain transitional provisions*

- 8 Notwithstanding the repeal of section 38 of the <sup>M7</sup>Merchant Shipping Act 1979 any transitional provisions included by virtue of subsection (6) of that section in a commencement order under section 52(2) of that Act shall continue to have effect.

**Marginal Citations**

M7 1979 c. 39.

*Lighthouses: dependencies*

- 9 (1) Section 193(5) shall cease to have effect on such day or days as the Secretary of State by order appoints.
- (2) Until that day, the powers of the Trinity House under Part VIII with respect to lighthouses, buoys and beacons in the islands of Guernsey or Jersey other than their powers under sections 204 and 220 shall not be exercised without the consent of Her Majesty in Council.
- (3) Until that day, no dues for any lighthouse, buoy or beacon erected or placed in or near the islands of Guernsey, Jersey, Sark or Alderney shall be levied in the islands of Guernsey or Jersey without the consent of the States of those Islands respectively.
- (4) Any Order in Council under sub-paragraph (2) above shall be laid before Parliament.
- (5) There shall continue to be paid out of the General Lighthouse Fund under section 211 any expenditure incurred by the Government of the United Kingdom in pursuance of the arrangement made with the Government of Sri Lanka on 27th February 1976 for the transfer of certain lighthouses off the coast of that country.

*Lighthouses: Scotland*

- 10 Prior to the commencement of paragraph 7 of Schedule 13 to the <sup>M8</sup>Local Government etc. (Scotland) Act 1994, Schedule 8 shall have effect as if—
- (a) in paragraph 1(2), in head (a), for the words from “conveners” to “Bute” there were substituted “ chairmen of the Inverness and Argyll district councils ”;
- (b) in paragraph 2(1), for the words “convener of any” there were substituted “ chairmen of any district ”; and
- (c) paragraph 5 were omitted.

**Marginal Citations**

M8 1994 c. 39.

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*Wreck and salvage: Cinque ports*

- 11 Nothing in Part IX shall prejudice or affect any jurisdiction or powers of the Lord Warden or any officers of the Cinque ports or of any court of those ports or of any court having concurrent jurisdiction within the boundaries of those ports; and disputes as to salvage arising without those boundaries shall, subject to the Salvage Convention as set out in Schedule 11, be determined in the manner in which they have been hitherto determined.

*Wreck: Liability for damage in case of plundered vessel in Scotland*

- 12 Prior to the commencement of paragraph 1 of Schedule 13 to the Local Government etc. (Scotland) Act 1994, section 235(4) shall have effect as if for the words “constituted under section 2 of the Local Government etc. (Scotland) Act 1994” there were substituted “ of the regional or islands area ”.

*Behring Sea Award*

- 13 Nothing in this Act shall affect the <sup>M9</sup>Behring Sea Award Act 1894.

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**Marginal Citations**

**M9** 1894 c. 2.

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