

Status: Point in time view as at 12/03/2018.

Changes to legislation: Merchant Shipping Act 1995, Article 12 is up to date with all changes known to be in force on or before 15 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 7

CONVENTION ON LIMITATION OF LIABILITY FOR MARITIME CLAIMS 1976

Modifications etc. (not altering text)

- C1** Sch. 7 extended (with modifications) to Anguilla, British Antarctic Territory, British Indian Ocean Territory, South Georgia and South Sandwich Islands (30.11.1997) by 1997/2579, art. 2, Schs. 1, 2

PART I

TEXT OF CONVENTION

ARTICLE 12

Distribution of the fund

- 1 Subject to the provisions of paragraphs 1 and 2 of Article 6 and of Article 7, the fund shall be distributed among the claimants in proportion to their established claims against the fund.
- 2 If, before the fund is distributed, the person liable, or his insurer, has settled a claim against the fund such person shall, up to the amount he has paid, acquire by subrogation the rights which the person so compensated would have enjoyed under this Convention.
- 3 The right of subrogation provided for in paragraph 2 may also be exercised by persons other than those therein mentioned in respect of any amount of compensation which they may have paid, but only to the extent that such subrogation is permitted under the applicable national law.
- 4 Where the person liable or any other person establishes that he may be compelled to pay, at a later date, in whole or in part any such amount of compensation with regard to which such person would have enjoyed a right of subrogation pursuant to paragraphs 2 and 3 had the compensation been paid before the fund was distributed, the Court or other competent authority of the State where the fund has been constituted may order that a sufficient sum shall be provisionally set aside to enable such person at such later date to enforce his claim against the fund.

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