



# Merchant Shipping Act 1995

## 1995 CHAPTER 21

### PART XIII

#### SUPPLEMENTAL

##### *Final provisions*

### 313 Definitions.

(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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*Status: Point in time view as at 01/12/2003. This version of this provision has been superseded.*

*Changes to legislation: Merchant Shipping Act 1995, Section 313 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)*

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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**

#### Marginal Citations

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

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