



Merchant Shipping Act 1995

1995 CHAPTER 21

PART III U.K.

MASTERS AND SEAMEN

Safety, health and welfare

42 **Obligation of shipowners as to seaworthiness.** U.K.

- (1) In every contract of employment between the owner of a United Kingdom ship and the master of or any seaman employed in the ship there shall be implied an obligation on the owner of the ship that—
- (a) the owner of the ship,
 - (b) the master of the ship, and
 - (c) every agent charged with—
 - (i) the loading of the ship,
 - (ii) the preparing of the ship for sea, or
 - (iii) the sending of the ship to sea,
- shall use all reasonable means to ensure the seaworthiness of the ship for the voyage at the time when the voyage commences and to keep the ship in a seaworthy condition for the voyage during the voyage.
- (2) The obligation imposed by subsection (1) above applies notwithstanding any agreement to the contrary.
- (3) No liability on the owner of a ship arises under subsection (1) above in respect of the ship being sent to sea in an unseaworthy state where, owing to special circumstances, the sending of the ship to sea in such a state was reasonable and justifiable.

Status:

Point in time view as at 15/06/2017.

Changes to legislation:

Merchant Shipping Act 1995, Section 42 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.