



Merchant Shipping Act 1995

1995 CHAPTER 21

PART IV

SAFETY

Safety and Health on Ships

86 Provisions supplementary to section 85: general.

(1) Safety regulations may—

- (a) make different provision for different circumstances and, in particular, make provision for an individual case;
- (b) be made so as to apply only in such circumstances as are prescribed by the regulations;
- (c) be made so as to extend outside the United Kingdom;
- (d) contain such incidental, supplemental and transitional provisions as the Secretary of State considers appropriate;
- (e) make provision for compensation to be paid, where a signal is used or displayed otherwise than in accordance with the regulations, for any expense or loss caused in consequence of the signal's being taken for a signal of distress;

and any compensation falling to be paid by virtue of regulations under paragraph (e) above may, without prejudice to any other remedy, be recovered in the same manner as salvage.

(2) The Secretary of State may by regulations—

- (a) make such repeals or other modifications of provisions of the Merchant Shipping Acts 1894 to 1977 re-enacted in this Act, and of any instruments made under those Acts as he considers appropriate in consequence or in anticipation of the making of safety regulations;
- (b) make such repeals or other modifications of provisions of any enactment passed and any instrument made before 4th April 1979 as he considers

Changes to legislation: Merchant Shipping Act 1995, Section 86 is up to date with all changes known to be in force on or before 05 August 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) View outstanding changes

appropriate in connection with any modification made or to be made in pursuance of paragraph (a);

- (c) provide for anything done under a provision repealed or otherwise modified by virtue of either of the preceding paragraphs to have effect as if done under safety regulations and make such other transitional provision and such incidental and supplemental provision as he considers appropriate in connection with any modification made by virtue of either of those paragraphs.

(3) Nothing in section 85(3) to (6) or subsection (1) above shall be construed as prejudicing the generality of section 85(1).

(4) Where the Secretary of State proposes to make safety regulations or he or another person proposes to give an approval in pursuance of safety regulations it shall be the duty of the Secretary of State or other person, before he gives effect to the proposal, to consult such persons in the United Kingdom (if any) as he considers will be affected by the proposal.

^{F1}(5)

^{F1}(6)

Textual Amendments

F1 S. 86(5)(6) repealed (23.3.1997) by 1997 c. 28, s. 29(2), **Sch. 7 Pt. I**; S.I. 1997/1082, art. 2, **Sch. Appendix**

Modifications etc. (not altering text)

C1 S. 86 applied (31.3.2023) by **The Merchant Shipping (Watercraft) Order 2023 (S.I. 2023/35)**, arts. 1(1), **10**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 145(2)(a)(ia) inserted by [2003 c. 44 Sch. 36 para. 13\(2\)](#)
- s. 145(2)(a)(ia) words substituted by [2015 c. 2 Sch. 11 para. 16\(2\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 145(2)(a)(ia) by 2003 c. 44, Sch. 36 para. 13 is still prospective.)
- s. 145(2A) inserted by [2003 c. 44 Sch. 36 para. 13\(3\)](#)
- s. 145(2A) words substituted by [2015 c. 2 Sch. 11 para. 16\(3\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 145(2A) by 2003 c. 44, Sch. 36 para. 13 is still prospective.)