



# Merchant Shipping and Maritime Security Act 1997

1997 CHAPTER 28

VALID FROM 17/07/1997

## *Miscellaneous amendments of Merchant Shipping Act 1995*

### **17 Financial assistance for training. U.K.**

In section 56 of the 1995 Act (financial assistance for training), after subsection (3) there is inserted—

“(4) In providing assistance in accordance with this section the Secretary of State shall have regard to the maintenance and development of the United Kingdom’s merchant fleet and marine related business and for that purpose shall—

- (a) keep under review all aspects of that fleet and business; and
- (b) seek the advice of those who appear to him to have experience of that fleet or business.

(5) In this section, “marine related business” means any trade, business or other activity concerned with the manufacture of, or the provision of goods and services for, or the operation or use of, ships and includes maritime educational establishments, marine classification societies, marine equipment suppliers, marine surveyors, marine and naval architects, marine insurance companies, protection and indemnity clubs, providers of maritime financial or legal services, the operators of ports and harbours and shipbrokers.”

### **18 Discharge books. U.K.**

(1) In section 80 of the 1995 Act (discharge books), in subsection (1) for paragraph (a) there is substituted—

*Status: Point in time view as at 15/09/1996. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping and Maritime Security Act 1997, Cross Heading: Miscellaneous amendments of Merchant Shipping Act 1995. (See end of Document for details)*

- “(a) for the issue of discharge books—
- (i) to persons who are or have been employed in United Kingdom ships; or
  - (ii) to persons who are or have been employed in other ships but are not aliens within the meaning of the <sup>M1</sup>British Nationality Act 1981;
- (aa) for requiring the persons mentioned in paragraph (a) above to apply for discharge books;
- (ab) for the form of discharge books and the particulars (if any) that they are to contain with respect to their holders;”.

- (2) In the words after paragraph (d) of that subsection, for “paragraph (a)” there is substituted “ paragraph (a), (aa) or (ab) ”.

#### Marginal Citations

M1 1981 c. 61.

## 19 Powers of general lighthouse authorities. **U.K.**

- (1) In section 197 of the 1995 Act (powers of general lighthouse authority), in subsection (7), after “sell” there is inserted “ or lease ”.
- (2) After that subsection there is inserted—
- “(8) Where it appears to a general lighthouse authority that any asset of theirs which is held in connection with the discharge of their functions under section 195 has spare capacity, they may, with the consent of the Secretary of State, enter into an agreement for the purpose of exploiting that spare capacity.
- (9) For the purposes of subsection (8) above an asset has spare capacity if—
- (a) during any period there are times (or there is a time) when it is not needed in connection with the discharge of the general lighthouse authority’s functions under section 195;
  - (b) there is any period when it is not being used to its full capacity in connection with the discharge of those functions; or
  - (c) it has ceased to be used in connection with the discharge of those functions but it is not for the time being expedient to realise the asset.
- (10) Any consent under subsection (8) above may be given—
- (a) unconditionally or subject to conditions; and
  - (b) in relation to a particular case or in relation to such description of cases as may be specified in the consent.
- (11) A general lighthouse authority shall send to the Secretary of State a copy of every agreement entered into by them by virtue of subsection (8) above.”

## 20 Disclosure of information to general lighthouse authorities. **U.K.**

Before section 223 of the 1995 Act there is inserted—

*Status: Point in time view as at 15/09/1996. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping and Maritime Security Act 1997, Cross Heading: Miscellaneous amendments of Merchant Shipping Act 1995. (See end of Document for details)*

#### “222A Disclosure of information to general lighthouse authorities.

- (1) No obligation as to secrecy or other restriction on the disclosure of information (whether imposed by statute or otherwise) shall prevent a Minister of the Crown or a Northern Ireland department from disclosing—
  - (a) to a general lighthouse authority, or
  - (b) to a person appointed by a general lighthouse authority to collect general light dues,information for the purpose of enabling or assisting the authority to discharge their functions under this Part.
- (2) Information obtained by any person by virtue of subsection (1) above shall not be disclosed by him to any other person except where the disclosure is made—
  - (a) to a general lighthouse authority or a person appointed by such an authority to collect general light dues; or
  - (b) for the purposes of any legal proceedings arising out of this Part.”

#### 21 Certain duties not to apply to RNLI. **U.K.**

- (1) In section 233 of the 1995 Act (powers of receiver in case of vessel in distress), at the beginning of subsection (1) there is inserted “Subject to subsection (1A) below,”.
- (2) After that subsection there is inserted—

“(1A) The receiver may not under subsection (1) above impose any requirement on the master or other person having the charge of a vessel owned or operated by the Royal National Lifeboat Institution.”

#### 22 Disposal of unclaimed wreck. **U.K.**

- (1) Section 240 of the 1995 Act (immediate sale of wreck in certain cases) is amended as follows.
- (2) After subsection (1) there is inserted—

“(1A) The receiver may also sell any wreck in his possession before the end of the year referred to in section 239(1) if—
  - (a) in his opinion it is unlikely that any owner will establish a claim to the wreck within that year; and
  - (b) no statement has been given to the receiver under section 242(1) in relation to the place where the wreck was found.”
- (3) At the beginning of subsection (2) there is inserted “ Subject to subsection (3) below ”, and after that subsection there is inserted—

“(3) Where the receiver sells any wreck in a case falling within subsection (1A) above, he may make to the salvors an advance payment, of such amount as he thinks fit and subject to such conditions as he thinks fit, on account of any salvage that may become payable to them in accordance with section 243(5).”

---

*Status: Point in time view as at 15/09/1996. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping and Maritime Security Act 1997, Cross Heading: Miscellaneous amendments of Merchant Shipping Act 1995. (See end of Document for details)*

---

**23 Retention of documents by Registrar General. U.K.**

In section 298 of the 1995 Act (duty of Registrar General to record and preserve documents transmitted to him), for subsection (4) there is substituted—

“(4) The Registrar General of Shipping and Seamen shall retain documents transmitted to him under subsection (3) above for such period as the Secretary of State may direct.”

**Status:**

Point in time view as at 15/09/1996. This version of this cross heading contains provisions that are not valid for this point in time.

**Changes to legislation:**

There are currently no known outstanding effects for the Merchant Shipping and Maritime Security Act 1997, Cross Heading: Miscellaneous amendments of Merchant Shipping Act 1995.