

## SCHEDULE 1

Article 2

### PART A

modifications of the provisions of the merchant shipping act 1970 applied by article 2

**1)** For section 55(1) substitute the following subsections (1) and (2), and accordingly renumber subsections (1A) and (2) as (3) and (4):

“(1) Subject to subsection (2) below, where any of the following casualties has occurred, that is to say when a hovercraft—

- (a) has sustained, caused or been involved in any accident occasioning loss of life or any serious injury to any person;
- (b) becomes lost, abandoned, missing or stranded;
- (c) suffers such damage as the result of any accident that its safety is impaired;
- (d) becomes involved in a collision with another hovercraft or a ship; or
- (e) causes any damage;

the Secretary of State—

- (i) may cause a preliminary inquiry into the casualty to be held by a person appointed for the purpose by the Secretary of State; and
- (ii) may (whether or not a preliminary inquiry into the casualty has been held) cause a formal investigation into the casualty to be held, if in England, Wales or Northern Ireland, by a wreck commissioner and, if in Scotland, by the sheriff.

(2) Subsection (1) above only applies if—

- (a) the occurrence took place—
  - (i) on or over the sea or other navigable water; or
  - (ii) between the time when any person goes on board the hovercraft for the purpose of making a journey which would involve crossing the sea or other navigable water and the time when it comes to rest at the end of such a journey; or
  - (iii) during the testing or maintenance of a hovercraft which normally makes a journey on or over the sea or other navigable water; and also only
- (b) if at the time the occurrence took place the hovercraft—
  - (i) was registered in the United Kingdom or
  - (ii) was operating unregistered in accordance with any provisions of any Order for the time being in force made under section 1(1)(a) of the Hovercraft Act 1968, or
  - (iii) was within the United Kingdom or United Kingdom territorial waters, or
  - (iv) was not registered under the law of any country but was owned by persons any one of whom is ordinarily resident, or being a company has its principal place of business in the United Kingdom.”.

**2)** In the subsection renumbered (3), for the words “the preceding subsection” substitute “subsection (1) above”.

**3)** In section 56(1), omit the words “and, if any question” onwards.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- 4) Omit section 56(4).
- 5) In section 57(4), omit the words “have decided to cancel or suspend the certificate of any person or” and “decision or”.
- 6) In section 58(1), omit the words “inquiries under sections 52 and 54 of this Act and of”.

## PART B

### modifications of the merchant shipping (formal investigations) rules 1985 applied by article 2

- 1) In rules 2(1), 4(1) and 7(6), for the word “shipping”, wherever it occurs, substitute “hovercraft”.
- 2) In rule 2(1) in the definition of “an incident” for the words “section 55 (1A)” substitute “section 55(3)”, and omit the definition of “officer”.
- 3) In rule 4(1), omit paragraphs (3) and (4).
- 4) In rule 10, omit the second sentence.
- 5) For rule 12 substitute—

#### **“Result of Formal Investigation**

**12.** At the end of the formal investigation the wreck commissioner shall give a brief summary of his findings in public and make a report on the case to the Secretary of State including his and the assessor's, or assessors' findings as to the reasons for the hovercraft casualty or incident or as to any particular matters relating thereto, or as to the conduct of any person implicated therein.”.

- 6) In the Schedule, omit the first four entries and in the entry “Persons of Special Skill or Knowledge” add:—
  - “(c) Persons with special skills or knowledge in the operation of hovercraft.”.