

*Status: Point in time view as at 03/01/1995.*

*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1979. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

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#### Textual Amendments

**F1** Sch. 1 repealed by Pilotage Act 1987 (c. 21, SIF 111), s. 32(5), **Sch. 3**

### SCHEDULE 2

. . . F2

#### Textual Amendments

**F2** Sch. 2 repealed by Pilotage Act 1983 (c. 21, SIF 111), s. 69(3), **Sch. 4**

### SCHEDULE 3

Sections 14, 15, 16, 49(4), 51(2).

### CONVENTION RELATING TO THE CARRIAGE OF PASSENGERS AND THEIR LUGGAGE BY SEA

#### PART I

#### TEXT OF CONVENTION

#### Modifications etc. (not altering text)

**C1** Sch. 3 Pt. I (Arts. 1–21) modified by S.I. 1987/670, **art. 3(1)**

### ARTICLE 1

#### *Definitions*

In this Convention the following expressions have the meaning hereby assigned to them:

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- 1           (a) “carrier” means a person by or on behalf of whom a contract of carriage has been concluded, whether the carriage is actually performed by him or by a performing carrier;
- (b) “performing carrier” means a person other than the carrier, being the owner, charterer or operator of a ship, who actually performs the whole or a part of the carriage;
- 2           “contract of carriage” means a contract made by or on behalf of a carrier for the carriage by sea of a passenger or of a passenger and his luggage, as the case may be;
- 3           “ship” means only a seagoing vessel, excluding an air-cushion vehicle;
- 4           “passenger” means any person carried in a ship,
- (a) under a contract of carriage, or
- (b) who, with the consent of the carrier, is accompanying a vehicle or live animals which are covered by a contract for the carriage of goods not governed by this Convention;
- 5           “luggage” means any article or vehicle carried by the carrier under a contract of carriage, excluding:
- (a) articles and vehicles carried under a charter party, bill of lading or other contract primarily concerned with the carriage of goods, and
- (b) live animals;
- 6           “cabin luggage” means luggage which the passenger has in his cabin or is otherwise in his possession, custody or control. Except for the application of paragraph 8 of this Article and Article 8, cabin luggage includes luggage which the passenger has in or on his vehicle;
- 7           “loss of or damage to luggage” includes pecuniary loss resulting from the luggage not having been re-delivered to the passenger within a reasonable time after the arrival of the ship on which the luggage has been or should have been carried, but does not include delays resulting from labour disputes;
- 8           “carriage” covers the following periods:
- (a) with regard to the passenger and his cabin luggage, the period during which the passenger and/or his cabin luggage are on board the ship or in the course of embarkation or disembarkation, and the period during which the passenger and his cabin luggage are transported by water from land to the ship or vice-versa, if the cost of such transport is included in the fare or if the vessel used for the purpose of auxiliary transport has been put at the disposal of the passenger by the carrier. However, with regard to the passenger, carriage does not include the period during which he is

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in a marine terminal or station or on a quay or in or on any other port installation;

- (b) with regard to cabin luggage, also the period during which the passenger is in a marine terminal or station or on a quay or in or on any other port installation if that luggage has been taken over by the carrier or his servant or agent and has not been re-delivered to the passenger;
- (c) with regard to other luggage which is not cabin luggage, the period from the time of its taking over by the carrier or his servant or agent onshore or on board until the time of its re-delivery by the carrier or his servant or agent;

- 9 “international carriage” means any carriage in which, according to the contract of carriage, the place of departure and the place of destination are situated in two different States, or in a single State if, according to the contract of carriage or the scheduled itinerary, there is an intermediate port of call in another State;

## ARTICLE 2

### *Application*

- 1 This Convention shall apply to any international carriage if:
- (a) the ship is flying the flag of or is registered in a State Party to this Convention, or
  - (b) the contract of carriage has been made in a State Party to this Convention, or
  - (c) the place of departure or destination, according to the contract of carriage, is in a State Party to this Convention.
- 2 Notwithstanding paragraph 1 of this Article, this Convention shall not apply when the carriage is subject, under any other international convention concerning the carriage of passengers or luggage by another mode of transport, to a civil liability regime under the provisions of such convention, in so far as those provisions have mandatory application to carriage by sea.

## ARTICLE 3

### *Liability of the carrier*

- 1 The carrier shall be liable for the damage suffered as a result of the death of or personal injury to a passenger and the loss of or damage to luggage if the incident which caused the damage so suffered occurred in the course of the carriage and was due to the fault or neglect of the carrier or of his servants or agents acting within the scope of their employment.

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- 2 The burden of proving that the incident which caused the loss or damage occurred in the course of the carriage, and the extent of the loss or damage, shall lie with the claimant.
  
- 3 Fault or neglect of the carrier or of his servants or agents acting within the scope of their employment shall be presumed, unless the contrary is proved, if the death of or personal injury to the passenger or the loss of or damage to cabin luggage arose from or in connection with the shipwreck, collision, stranding, explosion or fire, or defect in the ship. In respect of loss of or damage to other luggage, such fault or neglect shall be presumed, unless the contrary is proved, irrespective of the nature of the incident which caused the loss or damage. In all other cases the burden of proving fault or neglect shall lie with the claimant.

#### **ARTICLE 4**

##### *Performing carrier*

- 1 If the performance of the carriage or part thereof has been entrusted to a performing carrier, the carrier shall nevertheless remain liable for the entire carriage according to the provisions of this Convention. In addition, the performing carrier shall be subject and entitled to the provisions of this Convention for the part of the carriage performed by him.
  
- 2 The carrier shall, in relation to the carriage performed by the performing carrier, be liable for the acts and omissions of the performing carrier and of his servants and agents acting within the scope of their employment.
  
- 3 Any special agreement under which the carrier assumes obligations not imposed by this Convention or any waiver of rights conferred by this Convention shall affect the performing carrier only if agreed by him expressly and in writing.
  
- 4 Where and to the extent that both the carrier and the performing carrier are liable, their liability shall be joint and several.
  
- 5 Nothing in this Article shall prejudice any right of recourse as between the carrier and the performing carrier.

#### **ARTICLE 5**

##### *Valuables*

The carrier shall not be liable for the loss of or damage to monies, negotiable securities, gold, silverware, jewellery, ornaments, works of art, or other valuables, except where such valuables have been deposited with the carrier for the agreed purpose of safe-keeping in which case the

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carrier shall be liable up to the limit provided for in paragraph 3 of Article 8 unless a higher limit is agreed upon in accordance with paragraph 1 of Article 10.

## ARTICLE 6

### *Contributory fault*

If the carrier proves that the death of or personal injury to a passenger or the loss of or damage to his luggage was caused or contributed to by the fault or neglect of the passenger, the court seized of the case may exonerate the carrier wholly or partly from his liability in accordance with the provisions of the law of that court.

## ARTICLE 7

### *Limit of liability for personal injury*

- 1 The liability of the carrier for the death of or personal injury to a passenger shall in no case exceed 700,000 francs per carriage. Where in accordance with the law of the court seized of the case damages are awarded in the form of periodical income payments, the equivalent capital value of those payments shall not exceed the said limit.
- 2 Notwithstanding paragraph 1 of this Article, the national law of any State Party to this Convention may fix, as far as carriers who are nationals of such State are concerned, a higher *per capita* limit of liability.

## ARTICLE 8

### *Limit of liability for loss of or damage to luggage*

- 1 The liability of the carrier for the loss of or damage to cabin luggage shall in no case exceed 12,500 francs per passenger, per carriage.
- 2 The liability of the carrier for the loss of or damage to vehicles including all luggage carried in or on the vehicle shall in no case exceed 50,000 francs per vehicle, per carriage.
- 3 The liability of the carrier for the loss of or damage to luggage other than that mentioned in paragraphs 1 and 2 of this Article shall in no case exceed 18,000 francs per passenger, per carriage.
- 4 The carrier and the passenger may agree that the liability of the carrier shall be subject to a deductible not exceeding 1,750 francs in the case of damage to a vehicle

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and not exceeding 200 francs per passenger in the case of loss of or damage to other luggage, such sum to be deducted from the loss or damage.

## ARTICLE 9

### *Monetary unit and conversion*

- 1 The franc mentioned in this Convention shall be deemed to refer to a unit consisting of 65.5 milligrams of gold of millesimal fineness 900.
- 2 The amounts referred to in Articles 7 and 8 shall be converted into the national currency of the State of the court seized of the case on the basis of the official value of that currency, by reference to the unit defined in paragraph 1 of this Article, on the date of the judgment or the date agreed upon by the parties.

## ARTICLE 10

### *Supplementary provisions on limits of liability*

- 1 The carrier and the passenger may agree, expressly and in writing, to higher limits of liability than those prescribed in Articles 7 and 8.
- 2 Interest on damages and legal costs shall not be included in the limits of liability prescribed in Articles 7 and 8.

## ARTICLE 11

### *Defences and limits for carriers' servants*

If an action is brought against a servant or agent of the carrier or of the performing carrier arising out of damage covered by this Convention, such servant or agent, if he proves that he acted within the scope of his employment, shall be entitled to avail himself of the defences and limits of liability which the carrier or the performing carrier is entitled to invoke under this Convention.

## ARTICLE 12

### *Aggregation of claims*

- 1 Where the limits of liability prescribed in Articles 7 and 8 take effect, they shall apply to the aggregate of the amounts recoverable in all claims arising out of the death of or personal injury to any one passenger or the loss of or damage to his luggage.

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- 2 In relation to the carriage performed by a performing carrier, the aggregate of the amounts recoverable from the carrier and the performing carrier and from their servants and agents acting within the scope of their employment shall not exceed the highest amount which could be awarded against either the carrier or the performing carrier under this Convention, but none of the persons mentioned shall be liable for a sum in excess of the limit applicable to him.
  
- 3 In any case where a servant or agent of the carrier or of the performing carrier is entitled under Article 11 of this Convention to avail himself of the limits of liability prescribed in Articles 7 and 8, the aggregate of the amounts recoverable from the carrier, or the performing carrier as the case may be, and from that servant or agent, shall not exceed those limits.

### ARTICLE 13

#### *Loss of right to limit liability*

- 1 The carrier shall not be entitled to the benefit of the limits of liability prescribed in Articles 7 and 8 and paragraph 1 of Article 10, if it is proved that the damage resulted from an act or omission of the carrier done with the intent to cause such damage, or recklessly and with knowledge that such damage would probably result.
  
- 2 The servant or agent of the carrier or of the performing carrier shall not be entitled to the benefit of those limits if it is proved that the damage resulted from an act or omission of that servant or agent done with the intent to cause such damage, or recklessly and with knowledge that such damage would probably result.

### ARTICLE 14

#### *Basis for claims*

No action for damages for the death of or personal injury to a passenger, or for the loss of or damage to luggage, shall be brought against a carrier or performing carrier otherwise than in accordance with this Convention.

### ARTICLE 15

#### *Notice of loss or damage to luggage*

- 1 The passenger shall give written notice to the carrier or his agent:
  - (a) in the case of apparent damage to luggage:
    - (i) for cabin luggage, before or at the time of disembarkation of the passenger;
    - (ii) for all other luggage, before or at the time of its re-delivery;

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- (b) in the case of damage to luggage which is not apparent, or loss of luggage, within fifteen days from the date of disembarkation or re-delivery or from the time when such re-delivery should have taken place.

2 If the passenger fails to comply with this Article, he shall be presumed, unless the contrary is proved, to have received the luggage undamaged.

3 The notice in writing need not be given if the condition of the luggage has at the time of its receipt been the subject of joint survey or inspection.

## ARTICLE 16

### *Time-bar for actions*

1 Any action for damages arising out of the death of or personal injury to a passenger or for the loss of or damage to luggage shall be time-barred after a period of two years.

2 The limitation period shall be calculated as follows:

- (a) in the case of personal injury, from the date of disembarkation of the passenger;
- (b) in the case of death occurring during carriage, from the date when the passenger should have disembarked, and in the case of personal injury occurring during carriage and resulting in the death of the passenger after disembarkation, from the date of death, provided that this period shall not exceed three years from the date of disembarkation;
- (c) in the case of loss of or damage to luggage, from the date of disembarkation or from the date when disembarkation should have taken place, whichever is later.

3 The law of the court seized of the case shall govern the grounds of suspension and interruption of limitation periods, but in no case shall an action under this Convention be brought after the expiration of a period of three years from the date of disembarkation of the passenger or from the date when disembarkation should have taken place, whichever is later.

4 Notwithstanding paragraphs 1, 2 and 3 of this Article, the period of limitation may be extended by a declaration of the carrier or by agreement of the parties after the cause of action has arisen. The declaration or agreement shall be in writing.



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## ARTICLE 17

### *Competent jurisdiction*

- 1 An action arising under this Convention shall, at the option of the claimant, be brought before one of the courts listed below, provided that the court is located in a State Party to this Convention:
  - (a) the court of the place of permanent residence or principal place of business of the defendant, or
  - (b) the court of the place of departure or that of the destination according to the contract of carriage, or
  - (c) a court of the State of the domicile or permanent residence of the claimant, if the defendant has a place of business and is subject to jurisdiction in that State, or
  - (d) a court of the State where the contract of carriage was made, if the defendant has a place of business and is subject to jurisdiction in that State.
  
- 2 After the occurrence of the incident which has caused the damage, the parties may agree that the claim for damages shall be submitted to any jurisdiction or to arbitration.

## ARTICLE 18

### *Invalidity of contractual provisions*

Any contractual provision concluded before the occurrence of the incident which has caused the death of or personal injury to a passenger or the loss of or damage to his luggage, purporting to relieve the carrier of his liability towards the passenger or to prescribe a lower limit of liability than that fixed in this Convention except as provided in paragraph 4 of Article 8, and any such provision purporting to shift the burden of proof which rests on the carrier, or having the effect of restricting the option specified in paragraph 1 of Article 17, shall be null and void, but the nullity of that provision shall not render void the contract of carriage which shall remain subject to the provisions of this Convention.

## ARTICLE 19

### *Other conventions on limitation of liability*

This Convention shall not modify the rights or duties of the carrier, the performing carrier, and their servants or agents provided for in international conventions relating to the limitation of liability of owners of seagoing ships.

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## ARTICLE 20

### *Nuclear damage*

No liability shall arise under this Convention for damage caused by a nuclear incident:

(a) if the operator of a nuclear installation is liable for such damage under either the Paris Convention of 29 July 1960 on Third Party Liability in the Field of Nuclear Energy as amended by its Additional Protocol of 28 January 1964, or the Vienna Convention of 21 May 1963 on Civil Liability for Nuclear Damage, or

(b) if the operator of a nuclear installation is liable for such damage by virtue of a national law governing the liability for such damage, provided that such law is in all respects as favourable to persons who may suffer damage as either the Paris or the Vienna Conventions.

## ARTICLE 21

### *Commercial carriage by public authorities*

This Convention shall apply to commercial carriage undertaken by States or Public Authorities under contracts of carriage within the meaning of Article 1.

## PART II

### PROVISIONS HAVING EFFECT IN CONNECTION WITH CONVENTION

#### *Interpretation*

- 1 In this Part of this Schedule any reference to a numbered article is a reference to the article of the Convention which is so numbered and any expression to which a meaning is assigned by article 1 of the Convention has that meaning.

#### *Provisions adapting or supplementing specified articles of the Convention*

- 2 For the purposes of paragraph 2 of article 2, provisions of such an international convention as is mentioned in that paragraph which apart from this paragraph do not have mandatory application to carriage by sea shall be treated as having mandatory application to carriage by sea if it is stated in the contract of carriage for the carriage in question that those provisions are to apply in connection with the carriage.
- 3 The reference to the law of the court in article 6 shall be construed as a reference to the <sup>M1</sup>Law Reform (Contributory Negligence) Act 1945 except that in relation to Northern Ireland it shall be construed as a reference to section 2 of the <sup>M2</sup>Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1948.

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#### Marginal Citations

- M1** 1945 c. 28.  
**M2** 1948 c. 23 (N.I.)

- 4 The Secretary of State may by order provide that, in relation to a carrier whose principal place of business is in the United Kingdom, paragraph 1 of article 7 shall have effect with the substitution for the limit for the time being specified in that paragraph of a different limit specified in the order (which shall not be lower than the limit specified in that paragraph at the passing of this Act or, if paragraph 1 of Part III of this Schedule has come into force, specified in paragraph 1 of article 7 as amended by paragraph 1 of that Part).
- 5 The values which in pursuance of article 9 shall be considered as the official values in the United Kingdom of the amounts in francs for the time being specified in articles 7 and 8 shall be such amounts in sterling as the Secretary of State may from time to time by order specify.
- 6 It is hereby declared that by virtue of article 12 the limitations on liability there mentioned in respect of a passenger or his luggage apply to the aggregate liabilities of the persons in question in all proceedings for enforcing the liabilities or any of them which may be brought whether in the United Kingdom or elsewhere.
- 7 Article 16 shall apply to an arbitration as it applies to an action; and section 27(3) and (4) of the <sup>M3</sup>Limitation Act 1939 and [<sup>F3</sup>Article 72(3) and (4) of the Limitation (Northern Ireland) Order 1989] (which determine when an arbitration is deemed to commence) shall apply for the purposes of article 16 as they apply for the purposes of those Acts.

#### Textual Amendments

- F3** Words substituted by S.I. 1989/1339 (N.I. 11), art. 76(1)(2), Sch. 2 paras. 1, 6, 7, Sch. 3

#### Marginal Citations

- M3** 1939 c. 21.

- 8 The court before which proceedings are brought in pursuance of article 17 to enforce a liability which is limited by virtue of article 12 may at any stage of the proceedings make such orders as appear to the court to be just and equitable in view of the provisions of article 12 and of any other proceedings which have been or are likely to be begun in the United Kingdom or elsewhere to enforce the liability in whole or in part; and without prejudice to the generality of the preceding provisions of this paragraph such a court shall, where the liability is or may be partly enforceable in other proceedings in the United Kingdom or elsewhere, have jurisdiction to award an amount less than the court would have awarded if the

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limitation applied solely to the proceedings before the court or to make any part of its award conditional on the results of any other proceedings.

*Other provisions adapting or supplementing the Convention*

- 9 Any reference in the Convention to a contract of carriage excludes a contract of carriage which is not for reward.
- 10 If Her Majesty by Order in Council declares that any State specified in the Order is a party to the Convention in respect of a particular country the Order shall, subject to the provisions of any subsequent Order made by virtue of this paragraph, be conclusive evidence that the State is a party to the Convention in respect of that country.
- 11 The Secretary of State may by order make provision—
- (a) for requiring a person who is the carrier in relation to a passenger to give to the passenger, in a manner specified in the order, notice of such of the provisions of Part I of this Schedule as are so specified;
  - (b) for a person who fails to comply with a requirement imposed on him by the order to be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding [<sup>F4</sup>level 4 on the standard scale].

**Textual Amendments**

**F4** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#); (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289G](#) and (N.I.) [S.I. 1984/703 \(N.I. 3\)](#), [art. 5](#)

*Application of ss. 502 and 503 of Merchant Shipping Act 1894 and section 17 and 18 of this Act*

- 12 Nothing in section 502 of the <sup>M4</sup>Merchant Shipping Act 1894 or section 18 of this Act (which among other things limit a shipowner's liability for the loss or damage of goods in certain cases) shall relieve a person of any liability imposed on him by the Convention.

**Marginal Citations**

**M4** [1894 c. 60.](#)

- 13 It is hereby declared that nothing in the Convention affects the operation of section 503 of the <sup>M5</sup>Merchant Shipping Act 1894 or section 17 of this Act (which limit a shipowner's liability in certain cases of loss of life, injury or damage).

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#### Marginal Citations

M5 1894 c. 60.

### PART III

#### MODIFICATIONS OF PARTS I AND II IN CONSEQUENCE OF PROTOCOL OF 19TH NOVEMBER 1976

- 1 In Part I of this Schedule, in article 7 of the Convention for the words “700,000 francs” or any other words which, by virtue of paragraph 4 of Part II of this Schedule, are specified in that article in the place of those words there shall be substituted the words “46,666 units of account”.
- 2 In the said Part I, in article 8 of the Convention, for the word “francs” wherever it occurs there shall be substituted the words “units of account” and for the figures “12,500”, “50,000”, “18,000”, “1,750” and “200” there shall be substituted respectively the figures “833”, “3,333”, “1,200”, “117” and “13”.
- 3 In the said Part I for article 9 there shall be substituted the following—

#### ARTICLE 9

##### *Unit of account and conversion*

The Unit of Account mentioned in this Convention is the Special Drawing Right as defined by the International Monetary Fund. The amounts mentioned in Articles 7 and 8 shall be converted into the national currency of the State of the Court seized of the case on the basis of the value of that currency on the date of the judgment or the date agreed upon by the Parties.

- 4 In Part II of this Schedule for paragraph 5 there shall be substituted the following—
- 5 (1) For the purpose of converting from special drawing rights into sterling the amounts mentioned in articles 7 and 8 of the Convention in respect of which a judgment is given, one special drawing right shall be treated as equal to such a sum in sterling as the International Monetary Fund have fixed as being the equivalent of one special drawing right for—
  - (a) the day on which the judgment is given; or
  - (b) if no sum has been so fixed for that day, the last day before that day for which a sum has been so fixed.
- (2) A certificate given by or on behalf of the Treasury stating—
  - (a) that a particular sum in sterling has been fixed as mentioned in the preceding sub-paragraph for a particular day; or

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- (b) that no sum has been so fixed for that day and a particular sum in sterling has been so fixed for a day which is the last day for which a sum has been so fixed before the particular day,

shall be conclusive evidence of those matters for the purposes of articles 7 to 9 of the Convention; and a document purporting to be such a certificate shall, in any proceedings, be received in evidence and, unless the contrary is proved, be deemed to be such a certificate.

## SCHEDULE 4

Sections 17, 18, 19, 49, 51(2).

### CONVENTION ON LIMITATION OF LIABILITY FOR MARITIME CLAIMS 1976

**Modifications etc. (not altering text)**

**C2** Sch. 4 applied with modifications by 1986/1305, arts. 6, 8

## PART I

### TEXT OF CONVENTION

#### CHAPTER I. THE RIGHT OF LIMITATION

##### Article 1

*Persons entitled to limit liability*

- 1 Shipowners and salvors, as hereinafter defined, may limit their liability in accordance with the rules of this Convention for claims set out in Article 2.
- 2 The term “shipowner” shall mean the owner, charterer, manager or operator of a seagoing ship.
- 3 Salvor shall mean any person rendering services in direct connexion with salvage operations. Salvage operations shall also include operations referred to in Article 2, paragraph 1(d), (e) and (f).
- 4 If any claims set out in Article 2 are made against any person for whose act, neglect or default the shipowner or salvor is responsible, such person shall be entitled to avail himself of the limitation of liability provided for in this Convention.
- 5 In this Convention the liability of a shipowner shall include liability in an action brought against the vessel herself.

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6 An insurer of liability for claims subject to limitation in accordance with the rules of this Convention shall be entitled to the benefits of this Convention to the same extent as the assured himself.

7 The act of invoking limitation of liability shall not constitute an admission of liability.

#### Article 2

#### *Claims subject to limitation*

1 Subject to Articles 3 and 4 the following claims, whatever the basis of liability may be, shall be subject to limitation of liability;

- (a) claims in respect of loss of life or personal injury or loss of or damage to property (including damage to harbour works, basins and waterways and aids to navigation), occurring on board or in direct connexion with the operation of the ship or with salvage operations, and consequential loss resulting therefrom;
- (b) claims in respect of loss resulting from delay in the carriage by sea of cargo, passengers or their luggage;
- (c) claims in respect of other loss resulting from infringement of rights other than contractual rights, occurring in direct connexion with the operation of the ship or salvage operations;
- (d) claims in respect of the raising, removal, destruction or the rendering harmless of a ship which is sunk, wrecked, stranded or abandoned, including anything that is or has been on board such ship;
- (e) claims in respect of the removal, destruction or the rendering harmless of the cargo of the ship;
- (f) claims of a person other than the person liable in respect of measures taken in order to avert or minimize loss for which the person liable may limit his liability in accordance with this Convention, and further loss caused by such measures.

2 Claims set out in paragraph 1 shall be subject to limitation of liability even if brought by way of recourse or for indemnity under a contract or otherwise. However, claims set out under paragraph 1(d), (e) and (f) shall not be subject to limitation of liability to the extent that they relate to remuneration under a contract with the person liable.

#### Article 3

#### *Claims excepted from limitation*

The rules of this Convention shall not apply to:

- (a) claims for salvage or contribution in general average;

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(b) claims for oil pollution damage within the meaning of the International Convention on Civil Liability for Oil Pollution Damage dated 29th November 1969 or of any amendment or Protocol thereto which is in force;

(c) claims subject to any international convention or national legislation governing or prohibiting limitation of liability for nuclear damage;

(d) claims against the shipowner of a nuclear ship for nuclear damage;

(e) claims by servants of the shipowner or salvor whose duties are connected with the ship or the salvage operations, including claims of their heirs, dependants or other persons entitled to make such claims, if under the law governing the contract of service between the shipowner or salvor and such servants the shipowner or salvor is not entitled to limit his liability in respect of such claims, or if he is by such law only permitted to limit his liability to an amount greater than that provided for in Article 6.

Article 4

*Conduct barring limitation*

A person liable shall not be entitled to limit his liability if it is proved that the loss resulted from his personal act or omission, committed with the intent to cause such loss, or recklessly and with knowledge that such loss would probably result.

Article 5

*Counterclaims*

Where a person entitled to limitation of liability under the rules of this Convention has a claim against the claimant arising out of the same occurrence, their respective claims shall be set off against each other and the provisions of this Convention shall only apply to the balance, if any.

**CHAPTER II. LIMITS OF LIABILITY**

Article 6

*The general limits*

1 The limits of liability for claims other than those mentioned in Article 7, arising on any distinct occasion, shall be calculated as follows:

- (a) in respect of claims for loss of life or personal injury,
  - (i) 333,000 Units of Account for a ship with a tonnage not exceeding 500 tons,
  - (ii) for a ship with a tonnage in excess thereof, the following amount in addition to that mentioned in (i):
    - for each ton from 501 to 3,000 tons, 500 Units of Account;
    - for each ton from 3,001 to 30,000 tons, 333 Units of Account;
    - for each ton from 30,001 to 70,000 tons, 250 Units of Account, and
    - for each ton in excess of 70,000 tons, 167 Units of Account,



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*Status: Point in time view as at 03/01/1995.*

*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1979. (See end of Document for details)*

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- (b) in respect of any other claims,
- (i) 167,000 Units of Account for a ship with a tonnage not exceeding 500 tons,
  - (ii) for a ship with a tonnage in excess thereof the following amount in addition to that mentioned in (i):
    - for each ton from 501 to 30,000 tons, 167 Units of Account;
    - for each ton from 30,001 to 70,000 tons, 125 Units of Account; and
    - for each ton in excess of 70,000 tons, 83 Units of Account.

2 Where the amount calculated in accordance with paragraph 1(a) is insufficient to pay the claims mentioned therein in full, the amount calculated in accordance with paragraph 1(b) shall be available for payment of the unpaid balance of claims under paragraph 1(a) and such unpaid balance shall rank rateably with claims mentioned under paragraph 1(b).

4 The limits of liability for any salvor not operating from any ship or for any salvor operating solely on the ship to, or in respect of which he is rendering salvage services, shall be calculated according to a tonnage of 1,500 tons.

#### Article 7

##### *The limit for passenger claims*

1 In respect of claims arising on any distinct occasion for loss of life or personal injury to passengers of a ship, the limit of liability of the shipowner thereof shall be an amount of 46,666 Units of Account multiplied by the number of passengers which the ship is authorised to carry according to the ship's certificate, but not exceeding 25 million Units of Account.

2 For the purpose of this Article "claims for loss of life or personal injury to passengers of a ship" shall mean any such claims brought by or on behalf of any person carried in that ship:

- (a) under a contract of passenger carriage, or
- (b) who, with the consent of the carrier, is accompanying a vehicle or live animals which are covered by a contract for the carriage of goods.

#### Article 8

##### *Unit of Account*

1 The Unit of Account referred to in Articles 6 and 7 is the Special Drawing Right as defined by the International Monetary Fund. The amounts mentioned in Articles 6 and 7 shall be converted into the national currency of the State in which limitation is sought, according to the value of that currency at the date the limitation fund shall

*Status: Point in time view as at 03/01/1995.*

*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1979. (See end of Document for details)*

have been constituted, payment is made, or security is given which under the law of that State is equivalent to such payment.

#### Article 9

##### *Aggregation of claims*

- 1 The limits of liability determined in accordance with Article 6 shall apply to the aggregate of all claims which arise on any distinct occasion:
- (a) against the person or persons mentioned in paragraph 2 of Article 1 and any person for whose act, neglect or default he or they are responsible; or
  - (b) against the shipowner of a ship rendering salvage services from that ship and the salvor or salvors operating from such ship and any person for whose act, neglect or default he or they are responsible; or
  - (c) against the salvor or salvors who are not operating from a ship or who are operating solely on the ship to, or in respect of which, the salvage services are rendered and any person for whose act, neglect or default he or they are responsible.
- 2 The limits of liability determined in accordance with Article 7 shall apply to the aggregate of all claims subject thereto which may arise on any distinct occasion against the person or persons mentioned in paragraph 2 of Article 1 in respect of the ship referred to in Article 7 and any person for whose act, neglect or default he or they are responsible.

#### Article 10

##### *Limitation of liability without constitution of a limitation fund*

- 1 Limitation of liability may be invoked notwithstanding that a limitation fund as mentioned in Article 11 has not been constituted.
- 2 If limitation of liability is invoked without the constitution of a limitation fund, the provisions of Article 12 shall apply correspondingly.
- 3 Questions of procedure arising under the rules of this Article shall be decided in accordance with the national law of the State Party in which action is brought.

### CHAPTER III. THE LIMITATION FUND

#### Article 11

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*Status: Point in time view as at 03/01/1995.*

**Changes to legislation:** *There are currently no known outstanding effects for the Merchant Shipping Act 1979. (See end of Document for details)*

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### *Constitution of the fund*

- 1 Any person alleged to be liable may constitute a fund with the Court or other competent authority in any State Party in which legal proceedings are instituted in respect of claims subject to limitation. The fund shall be constituted in the sum of such of the amounts set out in Articles 6 and 7 as are applicable to claims for which that person may be liable, together with interest thereon from the date of the occurrence giving rise to the liability until the date of the constitution of the fund. Any fund thus constituted shall be available only for the payment of claims in respect of which limitation of liability can be invoked.
- 2 A fund may be constituted, either by depositing the sum, or by producing a guarantee acceptable under the legislation of the State Party where the fund is constituted and considered to be adequate by the Court or other competent authority.
- 3 A fund constituted by one of the persons mentioned in paragraph 1(a), (b) or(c) or paragraph 2 of Article 9 or his insurer shall be deemed constituted by all persons mentioned in paragraph 1(a), (b) or (c) or paragraph 2, respectively.

#### Article 12

### *Distribution of the fund*

- 1 Subject to the provisions of paragraphs 1 and 2 of Article 6 and of Article 7, the fund shall be distributed among the claimants in proportion to their established claims against the fund.
- 2 If, before the fund is distributed, the person liable, or his insurer, has settled a claim against the fund such person shall, up to the amount he has paid, acquire by subrogation the rights which the person so compensated would have enjoyed under this Convention.
- 3 The right of subrogation provided for in paragraph 2 may also be exercised by persons other than those therein mentioned in respect of any amount of compensation which they may have paid, but only to the extent that such subrogation is permitted under the applicable national law.
- 4 Where the person liable or any other person establishes that he may be compelled to pay, at a later date, in whole or in part any such amount of compensation with regard to which such person would have enjoyed a right of subrogation pursuant to paragraphs 2 and 3 had the compensation been paid before the fund was distributed, the Court or other competent authority of the State where the fund has been constituted may order that a sufficient sum shall be provisionally set aside to enable such person at such later date to enforce his claim against the fund.

#### Article 13

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*Status: Point in time view as at 03/01/1995.*

*Changes to legislation: There are currently no known outstanding effects  
for the Merchant Shipping Act 1979. (See end of Document for details)*

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### *Bar to other actions*

- 1       Where a limitation fund has been constituted in accordance with Article 11, any person having made a claim against the fund shall be barred from exercising any right in respect of such a claim against any other assets of a person by or on behalf of whom the fund has been constituted.
  
- 2       After a limitation fund has been constituted in accordance with Article 11, any ship or other property, belonging to a person on behalf of whom the fund has been constituted, which has been arrested or attached within the jurisdiction of a State Party for a claim which may be raised against the fund, or any security given, may be released by order of the Court or other competent authority of such State. However, such release shall always be ordered if the limitation fund has been constituted:
  - (a)   at the port where the occurrence took place, or, if it took place out of port, at the first port of call thereafter; or
  - (b)   at the port of disembarkation in respect of claims for loss of life or personal injury; or
  - (c)   at the port of discharge in respect of damage to cargo; or
  - (d)   in the State where the arrest is made.
  
- 3       The rules of paragraphs 1 and 2 shall apply only if the claimant may bring a claim against the limitation fund before the Court administering that fund and the fund is actually available and freely transferable in respect of that claim.

#### Article 14

### *Governing law*

Subject to the provisions of this Chapter the rules relating to the constitution and distribution of a limitation fund, and all rules of procedure in connection therewith, shall be governed by the law of the State Party in which the fund is constituted.

## **CHAPTER IV. SCOPE OF APPLICATION**

#### Article 15

This Convention shall apply whenever any person referred to in Article 1 seeks to limit his liability before the Court of a State Party or seeks to procure the release of a ship or other property or the discharge of any security given within the jurisdiction of any such State.

*Status: Point in time view as at 03/01/1995.*

*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1979. (See end of Document for details)*

## PART II

### PROVISIONS HAVING EFFECT IN CONNECTION WITH CONVENTION

#### *Interpretation*

- 1 In this Part of this Schedule any reference to a numbered article is a reference to the article of the Convention which is so numbered.

#### *Right to limit liability*

- 2 The right to limit liability under the Convention shall apply in relation to any ship whether seagoing or not, and the definition of “shipowner” in paragraph 2 of article 1 shall be construed accordingly.

#### *Claims subject to limitation*

- 3 (1) Paragraph 1(d) of article 2 shall not apply unless provision has been made by an order of the Secretary of State for the setting up and management of a fund to be used for the making to harbour or conservancy authorities of payments needed to compensate them for the reduction, in consequence of the said paragraph 1(d), of amounts recoverable by them in claims of the kind there mentioned, and to be maintained by contributions from such authorities raised and collected by them in respect of vessels in like manner as other sums so raised by them.
- (2) Any order under sub-paragraph (1) above may contain such incidental and supplemental provisions as appear to the Secretary of State to be necessary or expedient.
- (3) If immediately before the coming into force of section 17 of this Act an order is in force under section 2(6) of the <sup>M6</sup>Merchant Shipping (Liability of Shipowners and Others) Act 1958 (which contains provisions corresponding to those of this paragraph) that order shall have effect as if made under this paragraph.

#### **Marginal Citations**

**M6** 1958 c. 62.

#### *Claims excluded from limitation*

- 4 <sup>F5</sup>(1) The claims excluded from the Convention by paragraph (a) of article 3 include claims under article 14 of the International Convention on Salvage, 1989 as set out in Part I of Schedule 1 to the Merchant Shipping (Salvage and Pollution) Act 1994 and corresponding claims under a contract.]

*Status: Point in time view as at 03/01/1995.*

*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1979. (See end of Document for details)*

[<sup>F6</sup>(2)] The claims excluded from the Convention by paragraph (b) of article 3 are claims in respect of any liability incurred under section 1 of the <sup>M7</sup>Merchant Shipping (Oil Pollution) Act 1971.

[<sup>F6</sup>(3)] The claims excluded from the Convention by paragraph (c) of article 3 are claims made by virtue of any of sections 7 to 11 of the <sup>M8</sup>Nuclear Installations Act 1965.

#### Textual Amendments

- F5** Sch. 4 Pt. II para. 4(1) inserted (1.1.1995) by 1994 c. 28, s. 1(6), **Sch. 2 para. 5**; S.I. 1994/2971, art. 2, **Sch.** (which amending Act was repealed (1.1.1996) by 1995 c. 21, s. 314(1), Sch. 12 (with s. 312(1), **Sch. 14 para. 1**))
- F6** Sch. 4 Pt. II para. 4(1)(2) renumbered as Sch. 4 Pt. II para. 4(2)(3) (1.1.1995) by 1994 c. 28, s. 1(6), **Sch. 2 para. 5**; S.I. 1994/2971, art. 2, **Sch.** (which amending Act was repealed (1.1.1996) by 1995 c. 21, s. 314(1), Sch. 12 (with s. 312(1), **Sch. 14 para. 1**))

#### Marginal Citations

- M7** 1971 c. 59.  
**M8** 1965 c. 57.

### *The general limits*

- 5 (1) In the application of article 6 to a ship with a tonnage less than 300 tons that article shall have effect as if—
- (a) paragraph (a)(i) referred to 166,667 Units of Account; and
  - (b) paragraph (b)(i) referred to 83,333 Units of Account.
- (2) For the purposes of article 6 and this paragraph a ship's tonnage shall be its gross tonnage calculated in such manner as may be prescribed by an order made by the Secretary of State.
- (3) Any order under this paragraph shall, so far as appears to the Secretary of State to be practicable, give effect to the regulations in Annex I of the International Convention on Tonnage Measurement of Ships 1969.

### *Limit for passenger claims*

- 6 (1) In the case of a passenger steamer within the meaning of Part III of the <sup>M9</sup>Merchant Shipping Act 1894 the ship's certificate mentioned in paragraph 1 of article 7 shall be the passenger steamer's certificate issued under section 274 of that Act.
- (2) In paragraph 2 of article 7 the reference to claims brought on behalf of a person includes a reference to any claim in respect of the death of a person under the <sup>M10</sup>Fatal Accidents Act 1976, the <sup>M11</sup>Fatal Accidents (Northern Ireland) Order 1977 or the <sup>M12</sup>Damages (Scotland) Act 1976.

*Status: Point in time view as at 03/01/1995.*

*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1979. (See end of Document for details)*

#### **Marginal Citations**

- M9** 1894 c. 60.
- M10** 1976 c. 30.
- M11** S.I. 1977/1258 (N.I. 18).
- M12** 1976 c. 13.

#### *Units of Account*

- 7 (1) For the purpose of converting the amounts mentioned in articles 6 and 7 from special drawing rights into sterling one special drawing right shall be treated as equal to such a sum in sterling as the International Monetary Fund have fixed as being the equivalent of one special drawing right for—
- (a) the relevant date under paragraph 1 of article 8; or
  - (b) if no sum has been so fixed for that date, the last preceding date for which a sum has been so fixed.
- (2) A certificate given by or on behalf of the Treasury stating—
- (a) that a particular sum in sterling has been fixed as mentioned in the preceding sub-paragraph for a particular date; or
  - (b) that no sum has been so fixed for that date and that a particular sum in sterling has been so fixed for a date which is the last preceding date for which a sum has been so fixed,
- shall be conclusive evidence of those matters for the purposes of those articles; and a document purporting to be such a certificate shall, in any proceedings, be received in evidence and, unless the contrary is proved, be deemed to be such a certificate.

#### *Constitution of fund*

- 8 (1) The Secretary of State may from time to time, with the concurrence of the Treasury, by order prescribe the rate of interest to be applied for the purposes of paragraph 1 of article 11.
- (2) Where a fund is constituted with the court in accordance with article 11 for the payment of claims arising out of any occurrence, the court may stay any proceedings relating to any claim arising out of that occurrence which are pending against the person by whom the fund has been constituted.

#### *Distribution of land*

- 9 No lien or other right in respect of any ship or property shall affect the proportions in which under article 12 the fund is distributed among several claimants.

*Status: Point in time view as at 03/01/1995.*

*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1979. (See end of Document for details)*

*Bar to other actions*

- 10 Where the release of a ship or other property is ordered under paragraph 2 of article 13 the person on whose application it is ordered to be released shall be deemed to have submitted to (or, in Scotland, prorogated) the jurisdiction of the court to adjudicate on the claim for which the ship or property was arrested or attached.

*Meaning of “court”*

- 11 References in the Convention and the preceding provisions of this Part of this Schedule to the court are—
- (a) in relation to England and Wales, references to the High Court;
  - (b) in relation to Scotland, references to the Court of Session;
  - (c) in relation to Northern Ireland, references to the High Court of Justice in Northern Ireland.

*Meaning of “ship”*

- 12 References in the Convention and in the preceding provisions of this Part of this Schedule to a ship include references to any structure (whether completed or in course of completion) launched and intended for use in navigation as a ship or part of a ship.

*Meaning of “State Party”*

- 13 An Order in Council made for the purposes of this paragraph and declaring that any State specified in the Order is a party to the Convention shall, subject to the provisions of any subsequent Order made for those purposes, be conclusive evidence that the State is a party to the Convention.

SCHEDULE 5

Section 19.

LIABILITY OF SHIPOWNERS AND SALVORS: CONSEQUENTIAL AMENDMENTS

*The <sup>M13</sup>Merchant Shipping (Liability of Shipowners and Others) Act 1900*

**Marginal Citations**

**M13** 1900 c. 32.

- 1 (1) In section 2(1) of the Merchant Shipping (Liability of Shipowners and Others) Act 1900 for the reference to the actual fault or privity of the owners or authority there



*Status: Point in time view as at 03/01/1995.*

*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1979. (See end of Document for details)*

shall be substituted a reference to any such personal act or omission of the owners or authority as is mentioned in article 4 of the Convention in Part I of Schedule 4 to this Act.

- (2) The limit of liability under that section shall be ascertained by applying to the ship mentioned in subsection (1) the method of calculation specified in paragraph 1(b) of article 6 of the Convention read with paragraph 5(1) and (2) of Part II of that Schedule.
- (3) Articles 11 and 12 of the Convention in Part I of that Schedule and paragraphs 8 and 9 of Part II of that Schedule shall apply for the purposes of that section.

F7 .....

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**Textual Amendments**

F7 Sch. 5 para. 2 repealed by Pilotage Act 1983 (c. 21, SIF 111), s. 69(3), Sch. 4

*The <sup>M14</sup>Crown Proceedings Act 1947*

**Marginal Citations**

M14 1947 c.44.

- 3 For section 5 of the Crown Proceedings Act 1947, including that Act as it applies in Northern Ireland, there shall be substituted—

- (1) The provisions of sections 17 and 18 of the Merchant Shipping Act 1979 and of Schedule 4 to that Act (liability of shipowners and salvors) shall apply in relation to His Majesty’s ships as they apply in relation to other ships.
- (2) In this section “ships” has the same meaning as in those provisions.”

**Modifications etc. (not altering text)**

C3 The text of Sch. 5 paras. 3–6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*The <sup>M15</sup>Hovercraft Act 1968*

**Marginal Citations**

M15 1968 c. 59.

*Status: Point in time view as at 03/01/1995.*

*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1979. (See end of Document for details)*

- 4 In section 1(1)(i) of the Hovercraft Act 1968 for the words “Part VIII of the Merchant Shipping Act 1894”, “that part” and “the said Part VIII” there shall be substituted respectively the words “sections 17 and 18 of the Merchant Shipping Act 1979”, “those sections” and “the said sections of the Merchant Shipping Act 1979”.

**Modifications etc. (not altering text)**

- C4** The text of Sch. 5 paras. 3–6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*The <sup>M16</sup>Carriage of Goods by Sea Act 1971*

**Marginal Citations**

- M16** 1971 c. 19.

- 5 In section 6(4) of the Carriage of Goods By Sea Act 1971 for the words from “section 502” to “1958” there shall be substituted the words “section 18 of the Merchant Shipping Act 1979 (which”.

**Modifications etc. (not altering text)**

- C5** The text of Sch. 5 paras. 3–6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*The <sup>M17</sup>Merchant Shipping (Oil Pollution) Act 1971*

**Marginal Citations**

- M17** 1971 c. 59

- 6 (1) In sections 5(4)(b) and 7(b) of the Merchant Shipping (Oil Pollution) Act 1971 for the words “the Merchant Shipping (Liability of Shipowners and Others) Act 1958” there shall be substituted the words “the Merchant Shipping Act 1979”.
- (2) For section 15(2) of that Act there shall be substituted—
- “(2) For the purposes of section 17 of the Merchant Shipping Act 1979 (limitation of liability) any liability incurred under this section shall be deemed to be a liability in respect of such damage to property as is mentioned in paragraph 1(a) of article 2 of the Convention in Part I of Schedule 4 to that Act.”

*Status: Point in time view as at 03/01/1995.*

*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1979. (See end of Document for details)*

**Modifications etc. (not altering text)**

- C6** The text of Sch. 5 paras. 3–6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

SCHEDULE 6

Section 43.

ALTERATION OF PENALTIES

**Modifications etc. (not altering text)**

- C7** The text of Sch. 6 is in the form in which it was originally enacted: it was not wholly reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

PART I

MAXIMUM FINE OF £50 ON SUMMARY CONVICTION

Enactment	Subject matter
Merchant Shipping Act 1894 (c. 60)—	
<b>F8</b>	<b>F8</b>
...	...
<b>F8</b>	<b>F8</b>
...	...
section 280(2)	Surrender of passenger steamer's certificate.
section 281(2)	Display of passenger steamer's certificate.
section 287	Miscellaneous offences in connection with passenger steamers.
...	...
<b>F9</b>	<b>F9</b>
section 385(5)	Failure to record or report occurrences on fishing boats.
section 417(4)	Transfer of fish from fishing boats to collecting vessels.
section 543(2)	Failure by manufacturer to mark information on anchor.
section 722(2)	Use or supply of unauthorised forms.
Merchant Shipping (International Labour Conventions) Act 1925 (c. 42)—	

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*Status: Point in time view as at 03/01/1995.*

*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1979. (See end of Document for details)*

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section 4	Employment in ships of persons under 18.
Merchant Shipping (Safety and Load Line Conventions) Act 1932 (c. 9)—	
section 12(2)	Failure to return memorandum about lifesaving appliances.
section 31(2)	Failure to give notice of Atlantic routes used by passenger line.
Merchant Shipping Act 1970 (c. 36)—	
section 8(5), including section 8(5) as set out in Schedule 2	Delivery to seaman of account of wages.
section 78	Unauthorised persons on ship in port.
[ <sup>F10</sup> section 89(4)]	[ <sup>F10</sup> Impeding arrest of deserter from foreign ship.]

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#### Textual Amendments

- F8** Entries in Sch. 6 Pt. I repealed (3.1.1995) by 1994 c. 40, s. 81, **Sch. 17**; S.I. 1994/3188, **art. 3(n)(s)(vii)**
- F9** Entry repealed by **Merchant Shipping Act 1988 (c. 12, SIF 111)**, s. 57(5), **Sch. 7**, (with s. 58(4), Sch. 8 para. 1)
- F10** Entry repealed (*prosp.*) by **Merchant Shipping Act 1988 (c. 12, SIF 111)**, ss. 57(5), 58(2), **Sch. 7**, (with s. 58(4), Sch. 8 para. 1)

## PART II

### MAXIMUM FINE OF £200 ON SUMMARY CONVICTION

Enactment	Subject matter
Merchant Shipping Act 1894 (c. 60)—	
section 7(5)	Marking of ships.
section 15(2)	Delivery up of ship's certificate of registry for purpose of navigation.
section 18(3)	Delivery up of ship's provisional certificate of registry to registrar.
section 20(4)	Delivery up of certificate on change of ownership of ship.
section 21(3)	Notice and delivery up of certificate on loss of ship or transfer to person not qualified to own British ship.
⋮	⋮
<sup>F11</sup>	<sup>F11</sup>
section 47(8)	Breach of rules as to name of ship.

*Status: Point in time view as at 03/01/1995.*

*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1979. (See end of Document for details)*

section 59(3)	Registration of particulars of ship's managing owner or manager.
section 74(2)	Failure to hoist national colours.
section 536(1)	Unauthorised boarding of vessel which is wrecked or in distress.
section 726(3)	Failure to give information and assistance to surveyor of ship.
Merchant Shipping (Safety and Load Line Conventions) Act 1932 (c. 9)-	
section 27	Going to sea without approved signalling lamp.
section 29(2)	Form of steering orders.
Merchant Shipping Act 1970 (c. 36)—	
section 22(4) excluding paragraphs (a) and (b)	Master's failure to arrange for seamen to complain to proper officer about food.
...	...
F11	F11
section 47	Production of certificates of qualification.
section 51(4)	Employment in ships of persons under 18.
section 59	Failure to deliver certificate as required by section 52, 53, 54 or 56.
section 74	Handing over of documents on change of master.
paragraph 3 of Part I of Schedule 2	Production of certificates of qualification.
Prevention of Oil Pollution Act 1971 (c. 60)-	
section 10(5)	Restrictions on transfer of oil at night.
section 18(8) except so far as it relates to obstruction	Failure to comply with requirement to produce book or records or to certify true copy.

#### Textual Amendments

**F11** Entry repealed by [Merchant Shipping Act 1988 \(c. 12, SIF 111\)](#), s. 57(5), [Sch. 7](#), (with s. 58(4), Sch. 8 para. 1)

### PART III

#### MAXIMUM FINE OF £500 ON SUMMARY CONVICTION

**Enactment**

**Subject matter**

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*Status: Point in time view as at 03/01/1995.*

*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1979. (See end of Document for details)*

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Merchant Shipping Act 1894 (c. 60)—	
section 10(3)	False statement in certificate given by builder of ship.
section 518	Failure to deliver wreck or particulars of wreck to receiver.
section 519(2)	Retaining cargo washed up from wreck.
section 536(2)	Impeding assistance for a ship in distress or removing its cargo.
section 666(2)	Injuring lighthouses, lightships and similar equipment.
Merchant Shipping (Safety and Load Line Conventions) Act 1932 (c. 9)—	
section 24(3)	Failure to report danger to navigation.
Merchant Shipping Act 1970 (c. 36)—	
section 1(8)	Breach of provisions about crew agreements.
section 21(4)	Breach of regulations about food.
section 22(4)(a) and (b)	Retention or use of food which is unfit or of wrong quality.
section 24(2)	Inadequate medical stores.
section 68(6)	Destruction and mutilation of official log book.
section 70(4)	False statement to obtain British seaman's card.
section 86(2)	Going to sea without appropriate charts etc.
paragraph 4(2) of Part I of Schedule 2	Maximum period of duty for seamen employed in fishing vessels.
Merchant Shipping (Oil Pollution) Act 1971 (c. 59)—	
section 10(7)	Carrying and production of certificate in respect of insurance cover for oil pollution damage.
Prevention of Oil Pollution Act 1971 (c. 60) —	
section 18(8) so far as it relates to obstruction	Failure to comply with requirements to produce book or records or to certify true copy.

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*Status: Point in time view as at 03/01/1995.*

*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1979. (See end of Document for details)*

## PART IV

### MAXIMUM FINE OF £1,000 ON SUMMARY CONVICTION

Enactment	Subject matter
Merchant Shipping Act 1894 (c. 60)—	
section 436(4)	Recording of ship's draught.
section 488(4)	Obstruction of survey of ship.
section 689(4)	Conveyance from abroad of offenders and witnesses.
Merchant Shipping (Load Lines) Act 1967 (c. 27)—	
section 5	Observance of marking requirements of ship.
Merchant Shipping Act 1970 (c. 36)	
section 20(6)	Contravention of crew accommodation regulations.
section 43(5)	False statement to obtain certificate of competence.
section 48(2)	Going to sea with inadequate arrangements for translating orders to foreign crew.
section 50(2)	False statement to obtain special certificate of competence.
...	...
F12	F12
section 76(4)	Obstruction of inspections and surveys.
Prevention of Oil Pollution Act 1971 (c. 60) —	
section 11(3)	Failure to report discharge of oil into waters of harbour.
Merchant Shipping Act 1974 (c. 43)—	
section 3(5)	Unauthorised disclosure of information.
section 14(8)	Unauthorised disclosure of information.
paragraph 4(3) of Schedule 2	Obstruction of inspection or survey of foreign oil tanker.

#### Textual Amendments

**F12** Entry repealed by [Merchant Shipping Act 1988 \(c. 12, SIF 111\)](#), s. 57(5), [Sch. 7](#), (with s. 58(4), Sch. 8 para. 1)

*Status: Point in time view as at 03/01/1995.*

*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1979. (See end of Document for details)*

## PART V

### FINE ON CONVICTION ON INDICTMENT AND MAXIMUM FINE OF £1,000 ON SUMMARY CONVICTION

#### Modifications etc. (not altering text)

C8 Sch. 6 Pt. V amended by Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 49(1)

<i>Enactment</i>	<i>Subject matter</i>
Merchant Shipping Act 1894 (c. 60)—	
section 285(5)	Safety equipment for passenger steamers.
section 286	Unauthorised weight on safety valve of passenger steamer.
section 413(2)	Fishing boat sailing without certificated skipper and second hand.
section 413(3)	Service or employment of uncertificated person as skipper or second hand of fishing boat.
section 430(1)	Provision of life-saving appliances for ships.
section 432(2)	Adjustment of compasses and provision of hose in ship.
section 433	Unauthorised weight on safety valve of steamship.
The Merchant Shipping Act 1906 (c. 48)—	
section 16(2)	Passengers not to be carried on more than one deck below water line.
Merchant Shipping (Safety and Load Line Conventions) Act 1932 (c. 9)—	
section 30(2)	Avoidance of danger from ice.
Merchant Shipping (Safety Convention) Act 1949 (c. 43)—	
section 5(5)	Breach of rules for direction-finders.
section 6(3)	Breach of rules about radio navigational aids.
section 6(4)	Using unauthorised apparatus for signals to or from radio navigational aids.
section 12(3)(b)	Steamer other than passenger steamer going to sea without certificates.
section 12(6)	Compliance with conditions of exemption certificate.
section 19(2)	Compliance with rules about closing of openings in ship's hull.
section 21(3)	Misuse of distress signals.



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*Status: Point in time view as at 03/01/1995.*

*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1979. (See end of Document for details)*

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section 23(3)	Breach of rules about carriage of dangerous goods.
section 24(1)	Failure to take precautions in loading grain to prevent it from shifting.
section 24(2)	Entering port with grain which was loaded without precautions to prevent it from shifting.
Merchant Shipping Act 1964 (c. 47)—	
section 5(2)	Going to sea without safety construction certificate.
section 7(1)	Breach of cargo ship construction and survey rules.
Merchant Shipping (Load Lines) Act 1967 (c. 27)—	
section 3(2)	Breach of load line rules in respect of British ship.
section 4(4)	Taking or sending ship to sea with load line submerged.
section 9(3)	Going to sea without load line certificate.
section 13(3)	Breach of load line rules in respect of foreign ship.
section 24(4)	Breach of deck cargo regulations.
Fishing Vessels (Safety Provisions) Act 1970 (c. 27)—	
section 1(4)	Contravention of construction rules.
section 4(2)	Going to sea without certificates of compliance with construction and other rules.
Merchant Shipping Act 1970 (c. 36)—	
section 45	Going to sea undermanned.
section 46(1)	Unqualified person going to sea as qualified.

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## PART VI

### MISCELLANEOUS PENALTIES ON SUMMARY CONVICTION

*Maximum fines of £50*

F13 .....

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*Status: Point in time view as at 03/01/1995.*

*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1979. (See end of Document for details)*

#### Textual Amendments

**F13** Sch. 6 Pt. VI para. 1 repealed by Merchant Shipping Act 1988 (c. 12, SIF 111), s. 57(5), Sch. 7, (with s. 58(4), Sch. 8 para. 1)

- 2 In subsection (2) of section 77 of the <sup>M18</sup>Merchant Shipping Act 1906 (which provides that the master of a ship carrying cattlemen to the United Kingdom who fails to make a return of particulars of the cattlemen as required by that section shall be liable on summary conviction to a fine not exceeding £100 and that a cattleman who refuses to give information required for the purposes of a return under that section shall be liable on summary conviction to imprisonment for up to 3 months) for the words “one hundred pounds” there shall be substituted the words “fifty pounds” and for the words from “imprisonment” onwards there shall be substituted the words “such a fine”.

#### Marginal Citations

**M18** 1906 c. 48.

- 3 In subsection (4) of section 6 of the <sup>M19</sup>Merchant Shipping Act 1970 (which provides that a person shall be liable to a fine of up to £50 if he acts in contravention of subsection (1) of that section and £20 if he acts in contravention of subsection (2) of that section) after the words “subsection (1)” there shall be inserted the words “or subsection (2)” and the words from “and if” onwards shall be omitted.

#### Marginal Citations

**M19** 1970 36.

- 4 In sections 68(5), 69(5), 70(2), 71(2) and 72(4) of the Merchant Shipping Act 1970 (which relate respectively to official log books, lists of crews, British seamen’s cards, discharge books and returns of births and deaths on ships and authorise regulations under the section in question to provide for maximum fines of £10 in the case of sections 70(2) and 71(2) and £20 in the case of sections 68(5), 69(5) and 72(4) for contraventions of the regulations) for the word “£10” or, as the case may be, “£20” there shall be substituted the word “50”.

*Maximum fines of £200 and £20 a day*

- 5 In subsection (2) of section 48 of the <sup>M20</sup>Merchant Shipping Act 1894 (which among other things provides that if default is made in registering an alteration of a ship or in registering a ship anew as required by that section the owner shall be liable to a fine of up to £100 and a further fine of up to £5 for each day during which the offence continues after conviction) for the words “one hundred pounds” there shall

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*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1979. (See end of Document for details)*

be substituted the words “two hundred pounds” and for the words “five pounds” there shall be substituted the words “twenty pounds”.

**Marginal Citations**

**M20** 1894 60.

- 6 In subsections (2)(d) and (6A) of section 1 of the <sup>M21</sup>Merchant Shipping Act 1965 (which authorise tonnage regulations to provide for fines not exceeding £100 for the contraventions and failures there mentioned) for the words “one hundred pounds” in subsection (2)(d) and the word “£100” in subsection (6A) there shall be substituted the word “£200”.

**Marginal Citations**

**M21** 1965 c. 47.

- 7 In Schedule 1 to the <sup>M22</sup>Merchant Shipping (Load Lines) Act 1967 (which among other things provides for a fine of up to £50 on summary conviction of an offence under section 281(3) of the Merchant Shipping Act 1894 of not posting up a passenger steamer’s certificate) in column 3 of the entry relating to the said section 281(3) for the word “£50” there shall be substituted the word “£200”.

**Marginal Citations**

**M22** 1967 c. 27.

- 8 In sections 2(2), 3(4), 62(6) and 65(3) of the <sup>M23</sup>Merchant Shipping Act 1970 (which relate respectively to crew agreements, the discharge of seamen, the return of seamen left overseas and the property of deceased seamen and authorise regulations under the section in question to provide for maximum fines of £50 in the case of section 2(2) and £100 in other cases for contraventions of the regulations) for the word “£50” or, as the case may be, “£100” there shall be substituted the word “£200”.

**Modifications etc. (not altering text)**

**C9** Sch. 6 Pt. VI para. 8 amended by [Merchant Shipping Act 1988 \(c. 12, SIF 111\)](#), s. 57(4), **Sch. 6**

**Marginal Citations**

**M23** 1970 c. 36.

- 9 In section 77(1) of the Merchant Shipping Act 1970 (under which the punishment for stowing away is a fine not exceeding £100 or imprisonment not exceeding three

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months) for the words from “£100” onwards there shall be substituted the word “£200”.

### *Miscellaneous*

- 10 In section 667(3) of the Merchant Shipping Act 1894 (under which a person who fails to comply with a notice to extinguish or screen a light which may be mistaken for a lighthouse is guilty of a common nuisance and is also liable to a fine not exceeding £100) for the words from “a common nuisance” onwards there shall be substituted the words “an offence and liable to a fine not exceeding one thousand pounds”.
- 11 In subsection (2) of section 723 of the Merchant Shipping Act 1894 (which provides that a person who fails to produce a log book or document which he is required to produce under that section or who refuses to allow the same to be inspected or copied or commits any other offence mentioned in that subsection shall be liable to a fine not exceeding £50 in some cases and £20 in others)—
- (a) for the words “or refuses to allow the same” there shall be substituted the words “that person shall be liable to a fine not exceeding two hundred pounds and if any person on being so required refuses to allow such a book or document” ; and
  - (b) for the words from “for each offence” onwards there shall be substituted the words “be liable to a fine not exceeding one thousand pounds”.
- 12 Subsection (4) of section 724 of the <sup>M24</sup>Merchant Shipping Act 1894 (which provides that a surveyor of ships who receives unauthorised remuneration in respect of the duties he performs under that Act shall be liable to a fine not exceeding £50) shall be omitted.

#### **Marginal Citations**

**M24** 1894 c. 60.

- 13 In section 76(3) of the <sup>M25</sup>Merchant Shipping Act 1906 (under which the master of a ship carrying passengers who fails to make a return of particulars of the passengers as required by that section or makes a false return and a passenger who refuses to give information required for such a return or gives false information is liable on summary conviction to a fine not exceeding £50 in some cases and £20 in others) for the words from “not exceeding” onwards there shall be substituted the words “not exceeding fifty pounds in the case of a failure or refusal and two hundred pounds in the case of a false return or false information”.

#### **Marginal Citations**

**M25** 1906 c. 48.

*Status: Point in time view as at 03/01/1995.*

*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1979. (See end of Document for details)*

- 14 In subsection (5) of section 24 of the <sup>M26</sup>Merchant Shipping (Safety Convention) Act 1949 (under which a master of a ship carrying grain who fails to deliver to customs the notice required by that section or delivers such a notice which is false in a material particular is liable to a fine not exceeding £100) for the words “one hundred pounds” there shall be substituted the words “two hundred pounds in the case of a failure and five hundred pounds in the case of a false statement”.

**Marginal Citations**

**M26** 1949 c. 43.

- 15 In Schedule I to the <sup>M27</sup>Merchant Shipping (Load Lines) Act 1967 (under which any of the following offences, namely, an offence under section 283 of the Merchant Shipping Act 1894 of carrying passengers in excess, an offence under section 21 of the Merchant Shipping Act 1906 of not complying with provisions requiring a passenger steamer to be surveyed and to have a passenger steamer’s certificate and an offence under section 12(3)(a) of the Merchant Shipping (Safety Convention) Act 1949 of going to sea without appropriate certificates, is punishable on summary conviction with a fine of up to £1,000 in some cases and £400 in others)—
- (a) in column 3 of the entry relating to the said section 283, for the word “£400” there shall be substituted the word “£50,000” ; and
  - (b) in column 3 of the entries relating to the said sections 21 and 12(3)(a), for the word “£400” there shall be substituted the word “£1,000”.

**Marginal Citations**

**M27** 1967 c. 27.

- 16 In subsection (8) of section 9 of the <sup>M28</sup>Prevention of Oil Pollution Act 1971 (under which a harbour authority is liable to a fine not exceeding £10 for each day on which it fails to comply with a direction to provide oil reception facilities) for the word “£10” there shall be substituted the words “£500 and to a further fine not exceeding £50”.

**Marginal Citations**

**M28** 1971 c. 60.

- 17 In section 17(5) of the said Act of 1971 (which among other things provides for a fine of up to £500 on summary conviction of an offence of making a false entry in a record relating to oil) for the word “£500” in the third place where it occurs there shall be substituted the word “£1,000”.

- 18 In subsection (6) of section 3 of the <sup>M29</sup>Merchant Shipping Act 1974 (under paragraph (a) of which a person who fails to provide information as required by

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*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1979. (See end of Document for details)*

that section is liable on summary conviction to a fine not exceeding £1,000 in some cases and £400 in others and under paragraph (b) of which a person who provides false information is so liable) for paragraph (i) there shall be substituted the words

“(i) on summary conviction to a fine not exceeding £500 in the case of an offence under paragraph (a) of this subsection and not exceeding £1,000 in the case of an offence under paragraph (b) of this subsection, and”.

#### Marginal Citations

M29 1974 c. 43.

19 In subsection (9) of section 14 of the Merchant Shipping Act 1974 (under paragraph (a) of which a person who fails to provide information as required by that section is liable on summary conviction to a fine not exceeding £400 and under paragraph (b) of which a person who provides false information is so liable), for the word “£400” there shall be substituted the words “£500 in the case of an offence under paragraph (a) of this subsection and not exceeding £1,000 in the case of an offence under paragraph (b) of this subsection”.

20 In paragraph 3(2) of Schedule 5 to the Merchant Shipping Act 1974 (under which a person who commits an offence created by regulations relating to submersible or supporting apparatus is liable on summary conviction to a fine not exceeding £1,000 in some cases and £400 in others unless the regulations prescribe a lower limit) for paragraph (a) there shall be substituted the words  
“(a) on summary conviction a fine not exceeding £1,000”.

## PART VII

### OTHER PENALTIES

#### *The <sup>M30</sup>Merchant Shipping Act 1894*

#### Marginal Citations

M30 1894 c. 60.

1 At the end of section 66 of the Merchant Shipping Act 1894 as it has effect in Scotland (which among other things provides that a person who forges a document mentioned in that section shall be guilty of felony) there shall be inserted the words “and liable on conviction on indictment to imprisonment for not more than seven years”.

2 In section 73 of the Merchant Shipping Act 1894 (which among other things provides that if unauthorised colours are hoisted on board a vessel belonging to

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*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1979. (See end of Document for details)*

a British subject the master or owner of the vessel and the person who hoists the colours shall be guilty of an offence for which he is liable on conviction on indictment to a fine in some cases and to a fine of up to £500 in others or on summary conviction to a fine of up to £1,000 in some cases and £100 in others)—

- (a) in subsection (2) for the words from “incur a fine” onwards there shall be substituted the words “be liable on conviction on indictment to a fine or on summary conviction to a fine not exceeding one thousand pounds” ; and
- (b) subsections (4) and (5) shall be omitted.

- 3 In section 271 of the Merchant Shipping Act 1894 (which among other things provides that, except in certain cases, no ship shall proceed to sea or on any voyage or excursion with more than twelve passengers on board unless a certificate as to survey under Part III of that Act is in force in respect of the ship) after subsection (2) there shall be inserted the following subsection—

“(3) If a ship proceeds to sea or on any voyage or excursion when it is prohibited from doing so by subsection (1) of this section, the owner and the master of the ship shall each be guilty of an offence and liable on conviction on indictment to a fine or on summary conviction to a fine not exceeding one thousand pounds.”

- 4 Subsection (3) of section 360 of the Merchant Shipping Act 1894 (which provides that a person employed under Part III of that Act who demands or takes unauthorised remuneration for performing his duty under that Part shall for each offence be liable to a fine not exceeding £50) shall be omitted.

- 5 In section 419(2) of the Merchant Shipping Act 1894 (which provides that if an infringement of the collision regulations is caused by the wilful default of the master or owner of a ship he shall be guilty of a misdemeanour) for the words “guilty of a misdemeanour” there shall be substituted the words “liable, on conviction on indictment, to a fine and imprisonment for a term not exceeding two years or, on summary conviction,—

- (a) to a fine not exceeding fifty thousand pounds and imprisonment for a term not exceeding six months in the case of an infringement of Rule 10(b)(i) of the regulations set out in Schedule 1 to the <sup>M31</sup> Collision Regulations and Distress Signals Order 1977 ; and
- (b) to a fine not exceeding £1,000 in any other case”.

**Marginal Citations**

M31 S.I. 1977/982.

- 6 In subsection (3) of section 422 of the Merchant Shipping Act 1894 (which among other things provides that if a person in charge of a vessel involved in a collision with another vessel fails without reasonable cause to render assistance to the other vessel or persons on her as required by subsection (1)(a) of that section or to give the name of his vessel and certain other information to the person in charge of the

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other vessel as required by subsection (1)(b) of that section he shall be guilty of a misdemeanour) for the words “a misdemeanour, and” there shall be substituted the words “an offence and—

- (a) in the case of a failure to comply with subsection (1)(a) of this section, liable on conviction on indictment to a fine and imprisonment for a term not exceeding two years and on summary conviction to a fine not exceeding fifty thousand pounds and imprisonment for a term not exceeding six months ; and
- (b) in the case of a failure to comply with subsection (1)(b) of this section, liable on conviction on indictment to a fine and on summary conviction to a fine not exceeding one thousand pounds,

and in either case ”.

7 In subsection (2) of section 446 of the Merchant Shipping Act 1894 (which among other things provides that a person who sends dangerous goods by ship without marking the goods and giving notice about them as required by that section shall be liable to a fine not exceeding £100 or, if he shows that he was merely an agent in the shipment and was not aware that the goods were dangerous, then to a smaller fine)—

- (a) for the words from “liable” to “shows that he” there shall be substituted the words “liable on conviction on indictment to a fine or on summary conviction to a fine not exceeding one thousand pounds ; but it shall be a defence to show that the accused” ; and
- (b) the words from “then” onwards shall be omitted.

8 In section 447 of the Merchant Shipping Act 1894 (under which, among other things, a person who sends dangerous goods by ship under a false description or with a false description of the sender is liable on conviction on indictment to a fine in some cases and to a fine of up to £500 in others) for the words from “liable” onwards there shall be substituted the words “liable on conviction on indictment to a fine or on summary conviction to a fine not exceeding one thousand pounds”.

9 In paragraph (a) of subsection (1) of section 680 of the Merchant Shipping Act 1894 (under which, except in certain cases, an offence under that Act, which is declared to be a misdemeanour is punishable on conviction on indictment by a fine or by imprisonment not exceeding two years or on summary conviction with imprisonment for a term not exceeding six months or with a fine not exceeding £1,000 in some cases and £100 in others)—

- (a) for the words “or by imprisonment” there shall be substituted the words “and by imprisonment” ;
- (b) for the words from “or with a fine” onwards there shall be substituted the words “and with a fine not exceeding one thousand pounds” ;

and in paragraph (b) of that subsection (under which an offence under that Act which is punishable by a fine not exceeding £100 can only be prosecuted summarily except in certain cases) for the words “one hundred pounds” there shall be substituted the words “one thousand pounds”.



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*Status: Point in time view as at 03/01/1995.*

*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1979. (See end of Document for details)*

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- 10 In section 692(1) of the Merchant Shipping Act 1894 (which among other things provides that if a ship) which is detained in pursuance of that section proceeds to sea before it is released the master and the owner of the ship and any other person who sends it to sea shall be liable to a fine not exceeding £200) for the words from “liable” onwards there shall be substituted the words “liable on conviction on indictment to a fine and on summary conviction to a fine not exceeding fifty thousand pounds.”.
- 11 In section 692(2) of the Merchant Shipping Act 1894 (which among other things provides that the master and the owner of a ship which takes to sea an officer authorised to detain the ship or certain other officials shall be liable to a fine of which the maximum amount varies with the circumstances) for the words from “to a fine” onwards there shall be substituted the words “on conviction on indictment to a fine or on summary conviction to a fine not exceeding one thousand pounds”.
- 12 In section 696(2) of the Merchant Shipping Act 1894 (under which, among other things, a person who obstructs the service on the master of a ship of any document under that Act about the detention of ships as unseaworthy is liable to a fine not exceeding £25 in some cases and £10 in others) for the words from “to a fine” to “and” there shall be substituted the words “on conviction on indictment to a fine or on summary conviction to a fine not exceeding one thousand pounds, and”.
- 13 In section 702 of the Merchant Shipping Act 1894 (which provides for prosecution on indictment in Scotland)—
- (a) after the words “High Court of Justiciary”, there shall be inserted the words “or the sheriff court” ; and
  - (b) after the word “punishable” there shall be inserted the words “, subject to any maximum penalty prescribed in respect of any particular offence in this Act,”.
- 14 For section 703 of the Merchant Shipping Act 1894 (which provides for summary proceedings in Scotland) there shall be substituted the following section—
- In Scotland—
- (a) any offence under this Act may be tried in a summary manner before the sheriff court and if so tried shall, subject to any other penalty prescribed in respect of any particular offence in this Act, on summary conviction be punishable with imprisonment for a term not exceeding six months and with a fine not exceeding one thousand pounds ;
  - (b) all prosecutions in respect of offences under this Act in respect of which the maximum penalty which may be imposed does not exceed imprisonment for a period of three months or a fine of two hundred pounds or both may be tried in a summary manner before the district court.”

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*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1979. (See end of Document for details)*

*The <sup>M32</sup>Merchant Shipping Act 1921 1921 c. 28.*

**Marginal Citations**

**M32** 1921 c. 28.

- 15 In section 2(1) of the Merchant Shipping Act 1921 (under which a person who, among other things, uses in navigation a lighter or similar vessel which is so unsafe as to endanger human life is liable on summary conviction to a fine of up to —100 or to imprisonment for up to 6 months) for the words from “liable” onwards there shall be substituted the words “liable on conviction on indictment to a fine or on summary conviction to a fine not exceeding one thousand pounds”.

*The <sup>M33</sup>Merchant Shipping (Safety Convention) Act 1949*

**Marginal Citations**

**M33** 1949 c. 43.

- 16 In subsection (5) of section 3 of the Merchant Shipping (Safety Convention) Act 1949 (under which a radio officer who contravenes certain radio rules is liable to a fine not exceeding £10 and, if other radio rules are contravened in relation to a ship, the owner or master is liable on conviction on indictment to a fine in some cases and a fine not exceeding £500 in others or on summary conviction to a fine not exceeding £1,000 in some cases and £100 in others)—
- (a) for the word “£10” there shall be substituted the word “£500” ; and
  - (b) for the words from “on indictment” onwards there shall be substituted the words “on indictment to a fine or on summary conviction to a fine not exceeding £1,000”.

*The <sup>M34</sup>Merchant Shipping (Load Lines) Act 1967*

**Marginal Citations**

**M34** 1967 c. 27.

- 17 In section 4 of the Merchant Shipping (Load Lines) Act 1967 (of which subsection (2) provides that if any ship is loaded in contravention of subsection (1) of that section the owner or master shall be liable on summary conviction to a fine not exceeding £400 and to an additional fine not exceeding an amount calculated in accordance with subsection (3) of that section in terms of £400 for each inch or part of an inch by which the load line is or would have been submerged)—
- (a) in subsection (2) for the words “on summary conviction— (a) to a fine not exceeding £400, and” there shall be substituted the words “—

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*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1979. (See end of Document for details)*

- (a) on conviction on indictment to a fine” and at the beginning of paragraph (b) there shall be inserted the words “on summary conviction to a fine not exceeding £1,000 and”; and
- (b) in subsection (3) for the words from “£400” to “complete inches” there shall be substituted the words “£1,000 for each complete centimetre” and the words following paragraph (b) shall be omitted.

*The <sup>M35</sup>Merchant Shipping Act 1970*

**Marginal Citations**

**M35** 1970 c. 36.

- 18 In section 19(5) of the Merchant Shipping Act 1970 (which authorises safety regulations to make a contravention of the regulations punishable on summary conviction with a fine not exceeding £200 if the offence is committed by the master or owner of the ship and £20 if it is committed by another person) for the words from “summary conviction” onwards there shall be substituted the words “conviction on indictment with a fine and on summary conviction with a fine not exceeding £1,000”.

*F14*

19

**Textual Amendments**

**F14** Sch. 6 Pt. VII para. 19 repealed by Merchant Shipping Act 1988 (c. 12, SIF 111), s. 57(5), Sch. 7, (with s. 58(4), Sch. 8 para. 1)

- 20 In section 28 of the Merchant Shipping Act 1970 (which provides that a seaman who is under the influence of drink or drugs while on duty to such an extent that his capacity to carry out his duties is impaired shall be liable on summary conviction to a fine not exceeding £50) for the words from “summary conviction” onwards there shall be substituted the words “conviction on indictment to imprisonment for a term not exceeding two years and a fine and, on summary conviction, to a fine not exceeding £1,000”.

- 21 In section 30 of the Merchant Shipping Act 1970 (which provides among other things that a seaman employed in a ship registered in the United Kingdom who persistently neglects his duty or disobeys orders or combines with other seamen to do so or to impede the ship’s progress shall be liable on summary conviction to a fine not exceeding £100) for the words from “summary conviction” to “£100” there shall be substituted the words “conviction on indictment, to imprisonment for a term not exceeding two years and a fine and, on summary conviction, to a fine, not exceeding £1,000”.

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*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1979. (See end of Document for details)*

## The <sup>M36</sup>Merchant Shipping Act 1974

### Marginal Citations

**M36** 1974 c. 43.

- 22 In paragraph 5 of Schedule 2 to the Merchant Shipping Act 1974 (which among other things authorises oil tanker construction rules to provide for a person who breaks the rules to be liable on summary conviction to a fine of up to £100) for the word “£100” there shall be substituted the word “£1,000” and at the end of subparagraph (1) there shall be substituted the words “and on conviction on indictment to a fine”.

## SCHEDULE 7

Sections 47(2), 50(4).

### ENACTMENTS REPEALED

#### Modifications etc. (not altering text)

**C10** The text of Sch. 7 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Commencement Information

**II** [Sch. 7](#) partly in force; [Sch. 7](#) not in force at Royal Assent see [s. 52\(2\)](#); [Sch 7 Pt. II](#) repeal of [s. 1\(6\)\(7\)](#) of [1974 c. 39](#), in force at 22.11.1994 by [S.I. 1994/2789](#), [art. 2](#), [Sch.](#)

## PART I

### ENACTMENTS RELATING TO LIABILITY OF SHIPOWNERS AND SALVORS

Chapter	Short title	Extent of repeal
57 & 58 Vict. c. 60.	The Merchant Shipping Act 1894.	Part VIII.
63 & 64 Vict. c. 32.	The Merchant Shipping (Liability of Shipowners and Others) Act 1900.	Section 2(2) and (3).
⋮ F15	⋮ F15	⋮ F15
1 & 2 Geo. 5. c. 42.	The Merchant Shipping Act 1911.	Section 1(2).
11 & 12 Geo. 5. c. 29.	The Merchant Shipping Act 1921.	In section 1 the words “and VIII”.

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*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1979. (See end of Document for details)*

6 & 7 Eliz. 2. c. 62.	The Merchant Shipping (Liability of Shipowners and Others) Act 1958.	The whole Act except section 11 so far as applying to the Merchant Shipping (Liability of Shipowners and Others) Act 1900.
1965 c. 47.	The Merchant Shipping Act 1965.	Section 5(2).  In Schedule 1, the entry relating to the Crown Proceedings Act 1947.
1965 c. 57.	The Nuclear Installations Act 1965.	In section 14(1) the words from “and section 503” to “shipowners”.
1971 c. 59.	The Merchant Shipping (Oil Pollution) Act 1971.	Section 4(1)(a).  Section 8A.
1974 c. 43.	The Merchant Shipping Act 1974.	Section 4(1)(c)(ii) together with the word “or” preceding it.  Section 9.

#### Textual Amendments

**F15** Entry repealed (with saving) by [Merchant Shipping Act 1984 \(c. 5, SIF 111\)](#), s. 14(3)(4), [Sch. 2](#)

## PART II

### OTHER ENACTMENTS

Chapter	Short title	Extent of repeal
57 & 58 Vict. c. 60.	The Merchant Shipping Act 1894.	Section 73(4) and (5).  Section 360(3).  In section 369(3) the words from “and” onwards.  Section 420(3).  In section 431(1) the words from “and” onwards.  In section 446(2) the words from “then” onwards.  Section 457.  Section 468.

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*Status: Point in time view as at 03/01/1995.*

**Changes to legislation:** *There are currently no known outstanding effects for the Merchant Shipping Act 1979. (See end of Document for details)*

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		Section 637.
		In section 638 the words from “but” to “of this Act”.
		Sections 640 and 641.
		Sections 670 to 672 and 675.
		Section 677(m).
		Section 724(4).
		Sections 729 and 730.
61 & 62 Vict. c. 44.	The Merchant Shipping (Mercantile Marine Fund) Act 1898.	Section 2(1) and (2).
		Section 5(3).
		In section 7 the words “or out of colonial light dues” and the definition of “Basses Lights Fund”.
		Schedule 2.
		In Schedule 3, paragraph II.
6 Edw. 7. c. 48.	The Merchant Shipping Act 1906.	Section 82(2).
...	...	...
F16	F16	F16
9 & 10 Geo. 5. c. 92.	The Aliens Restriction (Amendment) Act 1919.	Section 4.
12 & 13 Geo. 6. c. 43.	The Merchant Shipping (Safety Convention) Act 1949.	Section 24(4).
1964 c. 47.	The Merchant Shipping Act 1964.	In section 7(2) the words from “and for that purpose” to “Acts”.
1965 c. 47.	The Merchant Shipping Act 1965.	In section 1(2)(c) the words from “and may” to “those purposes”.
		In Schedule 1 the entry relating to section 85(3) of the Merchant Shipping Act 1894.
1967 c. 27.	The Merchant Shipping (Load Lines) Act 1967.	In section 4(3) the words from “and, if” onwards.
		Section 11(2).

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		In sections 17(1) and 24(6) the words from “and” onwards.
		Section 27(4).
		In Schedule 1, the entry relating to section 281(2) of the Merchant Shipping Act 1894.
1970 c. 27.	The Fishing Vessels (Safety Provisions) Act 1970.	In section 1(3) the words from “and” onwards.
1970 c. 36.	The Merchant Shipping Act 1970.	In section 6(4) the words from “and if” onwards.
		In section 15(1) the words from “unless” onwards.
		Sections 34 to 38.
		In section 95(1)(a) the words “34 to 38”.
		In section 99(1) the words from “except” to “to this Act”.
		In Schedule 2, paragraph 2.
		In Schedule 5, in the entries relating to the Merchant Shipping Act 1894, the words “Section 271(3)”.
1971 c. 59.	The Merchant Shipping (Oil Pollution) Act 1971.	Section 4(3) to (5).
1971 c. 60.	The Prevention of Oil Pollution Act 1971.	In section 18(5) the words from “and in subsection (3)” onwards.
1974 c. 43.	The Merchant Shipping Act 1974.	Section 1(6) and (7).
		Section 19(2), (5) and (6).
1975 c. 21.	The Criminal Procedure (Scotland) Act 1975.	In Schedule 7C the entry relating to the Merchant Shipping Act 1894.
1977 c. 45.	The Criminal Law Act 1977.	In Schedule 6 the entry relating to the Merchant Shipping Act 1894.

#### Textual Amendments

**F16** Entry repealed by [Pilotage Act 1983 \(c. 21, SIF 111\)](#), s. 69(3), [Sch. 4](#)

**Status:**

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**Changes to legislation:**

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