



Merchant Shipping Act 1979

1979 CHAPTER 39

Liability of shipowners and salvors

18 Exclusion of liability.

- (1) Subject to subsection (3) of this section, the owner of a British ship shall not be liable for any loss or damage in the following cases, namely—
 - (a) where any property on board the ship is lost or damaged by reason of fire on board the ship; or
 - (b) where any gold, silver, watches, jewels or precious stones on board the ship are lost or damaged by reason of theft, robbery or other dishonest conduct and their nature and value were not at the time of shipment declared by their owner or shipper to the owner or master of the ship in the bill of lading or otherwise in writing.
- (2) Subject to subsection (3) of this section, where the loss or damage arises from anything done or omitted by any person in his capacity as master or member of the crew or (otherwise than in that capacity) in the course of his employment as a servant of the owner of the ship, the preceding subsection shall also exclude the liability of—
 - (a) the master, member of the crew or servant; and
 - (b) in a case where the master or member of the crew is the servant of a person whose liability would not be excluded by that subsection apart from this paragraph, the person whose servant he is.
- (3) This section does not exclude the liability of any person for any loss or damage resulting from any such personal act or omission of his as is mentioned in article 4 of the Convention in Part I of Schedule 4 to this Act.
- (4) In this section “owner”, in relation to a ship, includes any part owner and any charterer, manager or operator of the ship.

Modifications etc. (not altering text)

C1 Ss. 17, 18 applied with modifications by S.I. 1986/1305, arts. 6, 8

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1979, Section 18. (See end of Document for details)

C2 S. 18 restricted (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para.6(1)(b)**; S.I. 1993/3137, art. 3(2), **Sch.2**

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