



Merchant Shipping Act 1984

1984 CHAPTER 5

PART II

LIMITATION TONNAGE

12 Ascertainment of limitation tonnage.

(1) For subsection (2) of section 503 of the ^{M1}Merchant Shipping Act 1894 (limitation of owner's liability by reference to tonnage of ship in certain cases of loss of life, injury or damage) there shall be substituted—

“(2) For the purposes of this section the tonnage of a ship shall be ascertained as follows:—

- (a) where the register tonnage of the ship has been or can be ascertained in accordance with the tonnage regulations of this Act, the ship's tonnage shall be the register tonnage of the ship as so ascertained but without making any deduction required by those regulations of any tonnage allowance for propelling machinery space;
- (b) where the tonnage of the ship cannot be ascertained in accordance with paragraph (a) above, a surveyor of ships shall, if so directed by the court, certify what, on the evidence specified in the direction, would in his opinion be the tonnage of the ship as ascertained in accordance with that paragraph if the ship could be duly measured for the purpose; and the tonnage stated in his certificate shall be taken to be the tonnage of the ship.”

[^{F1}(2) For subsection (2) of section 4 of the ^{M2}Merchant Shipping (Oil Pollution) Act 1971 (limitation of owner's liability for oil pollution by reference to tonnage of ship) there shall be substituted—

“(2) For the purposes of this section the tonnage of a ship shall be ascertained as follows:—

- (a) where the register tonnage of the ship has been or can be ascertained in accordance with regulations under section 1 of the Merchant Shipping Act 1965 (tonnage regulations), the ship's tonnage shall be

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the register tonnage of the ship as so ascertained but without making any deduction required by those regulations of any tonnage allowance for propelling machinery space;

- (b) where the ship is of a description with respect to which no provision is for the time being made by regulations under that section, the tonnage of the ship shall be taken to be 40 per cent. of the weight (expressed in tons of 2,240 lbs.) of oil which the ship is capable of carrying;
- (c) where the tonnage of the ship cannot be ascertained in accordance with either paragraph (a) or paragraph (b) above, a surveyor of ships appointed for the purposes of the Merchant Shipping Act 1894 shall, if so directed by the court, certify what, on the evidence specified in the direction, would in his opinion be the tonnage of the ship as ascertained in accordance with paragraph (a), or (as the case may be) paragraph (b), above if the ship could be duly measured for the purpose; and the tonnage stated in his certificate shall be taken to be the tonnage of the ship.”]

- (3) Subsection (1) above shall cease to have effect when Part VIII of the Merchant Shipping Act 1894 ceases to have effect.

Textual Amendments

- F1** S. 12(2) 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**)
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Marginal Citations

- M1** 1894 c. 60.
M2 1971 c. 59.

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