



Merchant Shipping Act 1988

1988 CHAPTER 12

PART III

MISCELLANEOUS PROVISIONS RELATING TO MERCHANT SHIPPING ETC.

Protection of shipping interests

- 39 Power to prohibit provision of coastal shipping services which are not British-based**
- (1) The Secretary of State may by order provide for the provision of shipping services to which this section applies to be prohibited except where such services are provided from one or more permanent places of business maintained in the British Islands.
 - (2) This section applies to the following shipping services—
 - (a) the carriage of goods or passengers by sea—
 - (i) between ports in the United Kingdom, or
 - (ii) between a port in the United Kingdom and an offshore installation in United Kingdom waters, or
 - (iii) between offshore installations in United Kingdom waters;
 - (b) the carriage of passengers by sea on voyages or excursions beginning and ending at the same port in the United Kingdom, other than voyages or excursions which involve calling at any port or ports outside the British Islands (whether passengers disembark there or not); and
 - (c) shipping services (other than the carriage of goods or passengers by sea) which are—
 - (i) provided by means of ships operating out of ports in the United Kingdom (whether so provided within United Kingdom waters or not), or
 - (ii) provided within United Kingdom waters by means of ships operating out of ports outside the United Kingdom.
 - (3) An order under this section may make provision—

Status: This is the original version (as it was originally enacted).

- (a) with respect to the circumstances in which shipping services are to be regarded for the purposes of the order as being provided from one or more permanent places of business maintained in the British Islands;
 - (b) authorising the Secretary of State to issue licences sanctioning the provision of shipping services to which this section applies, notwithstanding that they are not provided as mentioned in paragraph (a) above, in cases where he is satisfied that there is no-one willing and able to provide the services in question as mentioned in that paragraph;
 - (c) requiring the payment, in connection with applications for such licences, of fees determined with the approval of the Treasury;
 - (d) exempting any prescribed class or description of shipping services from any prohibition imposed by virtue of subsection (1);
 - (e) authorising the Secretary of State, or a person appointed by him for the purpose, to serve notices requiring the production or furnishing of documents or information appearing to the Secretary of State or any such person to be necessary to enable him to determine such matters as may be prescribed;
 - (f) with respect to the manner of service of notices in pursuance of paragraph (e).
- (4) An order under this section may—
- (a) make different provision for different circumstances;
 - (b) make such transitional, incidental or supplementary provision as appears to the Secretary of State to be necessary or expedient.
- (5) The provisions of an order under this section shall not discriminate between shipping services provided by different persons on the basis of the place of registration of the ships by means of which the services are provided.
- (6) Section 728 of the 1894 Act (appointment of inspectors) shall have effect in relation to—
- (a) any order under this section, or
 - (b) any licence issued by virtue of subsection (3)(b) above,
- as it has effect in relation to any such regulations or licence as is mentioned in paragraph (b) of that section; but section 27 of the Merchant Shipping Act 1979 (powers of inspectors) shall have effect in relation to any inspector appointed by virtue of this subsection with the omission of paragraphs (f) to (h) of subsection (1) of that section.
- (7) The power to make an order under this section shall be exercisable by statutory instrument, but no such order shall be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.
- (8) In this section—
- “offshore installation” has the same meaning as in the Mineral Workings (Offshore Installations) Act 1971;
 - “prescribed” means prescribed by an order under this section;
 - “shipping services” means—
- (a) the carriage of goods or passengers by sea,
 - (b) services provided by offshore support vessels, and
 - (c) such other services provided by means of ships as the Secretary of State may specify in an order under this section;

“United Kingdom waters” means waters within the seaward limits of the territorial sea of the United Kingdom and waters in any area designated under section 1(7) of the Continental Shelf Act 1964.