



# Merchant Shipping Act 1995

## 1995 CHAPTER 21

### PART VII

#### LIABILITY OF SHIPOWNERS AND OTHERS

##### *Limitation of liability of shipowners, etc and salvors for maritime claims*

#### **185 Limitation of liability for maritime claims.**

- (1) The provisions of the Convention on Limitation of Liability for Maritime Claims 1976 as set out in Part I of Schedule 7 (in this section and Part II of that Schedule referred to as “the Convention”) shall have the force of law in the United Kingdom.
  - (2) The provisions of Part II of that Schedule shall have effect in connection with the Convention, and subsection (1) above shall have effect subject to the provisions of that Part.
- <sup>F1</sup>[<sup>F1</sup>(2A) Her Majesty may by Order in Council make such modifications of Parts I and II of Schedule 7 as She considers appropriate in consequence of the revision of the Convention by the Protocol of 1996 amending the Convention (in this section referred to as “the 1996 Protocol”).
- <sup>F1</sup>(2B) If it appears to Her Majesty in Council that the Government of the United Kingdom has agreed to any further revision of the Convention or to any revision of article 8 of the 1996 Protocol, She may by Order in Council make such modifications of Parts I and II of Schedule 7 and subsections (2C) and (2D) below as She considers appropriate in consequence of the revision.
- <sup>F1</sup>(2C) The Secretary of State may by order make such amendments of Parts I and II of Schedule 7 as appear to him to be appropriate for the purpose of giving effect to any amendment of a relevant limit which is adopted in accordance with article 8 of the 1996 Protocol.
- <sup>F1</sup>(2D) In subsection (2C) above “a relevant limit” means any of the limits for the time being specified in either of the following provisions of the Convention—

*Status: Point in time view as at 12/03/2018.*

*Changes to legislation: Merchant Shipping Act 1995, Cross Heading: Limitation of liability of shipowners, etc and salvors for maritime claims is up to date with all changes known to be in force on or before 15 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) article 6, paragraph 1, and
- (b) article 7, paragraph 1.

<sup>F1</sup>(2E) No modification made by virtue of subsection (2A), (2B) or (2C) above shall affect any rights or liabilities arising out of an occurrence which took place before the day on which the modification comes into force.]

- (3) The provisions having the force of law under this section shall apply in relation to Her Majesty’s ships as they apply in relation to other ships.
- (4) The provisions having the force of law under this section shall not apply to any liability in respect of loss of life or personal injury caused to, or loss of or damage to any property of, a person who is on board the ship in question or employed in connection with that ship or with the salvage operations in question if—
  - (a) he is so on board or employed under a contract of service governed by the law of any part of the United Kingdom; and
  - (b) the liability arises from an occurrence which took place after the commencement of this Act.

In this subsection,

“ship” and “salvage operations” have the same meaning as in the Convention.

<sup>F2</sup>[(5) A draft of an Order in Council proposed to be made by virtue of subsection (2A) or (2B) above shall not be submitted to Her Majesty in Council unless it has been approved by a resolution of each House of Parliament.]

#### Textual Amendments

- F1** S. 185(2A)-(2E) inserted (17.7.1997) by 1997 c. 28, s. 15(1); S.I. 1997/1539, art. 2, Sch.
- F2** S. 185(5) inserted (17.7.1997) by 1997 c. 28, s. 15(2); S.I. 1997/1539, art. 2, Sch.

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

- C1** S. 185 extended (with modifications) to specified colonies (30.11.1997) by S.I. 1997/2579, art. 2, Schs. 1, 2

## 186 Exclusion of liability.

- (1) Subject to subsection (3) below, the owner of a United Kingdom 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) below, where the loss or damage arises from anything done or omitted by any person in his capacity of 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, subsection (1) above shall also exclude the liability of—
  - (a) the master, member of the crew or servant; and

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- (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 set out in Part I of Schedule 7.
- (4) This section shall apply in relation to Her Majesty's ships as it applies in relation to other ships.
- (5) In this section "owner", in relation to a ship, includes any part owner and any charterer, manager or operator of the ship.

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

- C2** S. 186 extended (with modifications) to specified colonies (30.11.1997) by [S.I. 1997/2579](#), art. 2, Schs. 1, 2

**Status:**

Point in time view as at 12/03/2018.

**Changes to legislation:**

Merchant Shipping Act 1995, Cross Heading: Limitation of liability of shipowners, etc and salvors for maritime claims is up to date with all changes known to be in force on or before 15 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.