



# Merchant Shipping Act 1995

## 1995 CHAPTER 21

### PART VII **U.K.**

#### LIABILITY OF SHIPOWNERS AND OTHERS

##### *Time limit for proceedings against owners or ship*

#### **190 Time limit for proceedings against owners or ship. **U.K.****

- (1) This section applies to any proceedings to enforce any claim or lien against a ship or her owners—
  - (a) in respect of damage or loss caused by the fault of that ship to another ship, its cargo or freight or any property on board it; or
  - (b) for damages for loss of life or personal injury caused by the fault of that ship to any person on board another ship.
- (2) The extent of the fault is immaterial for the purposes of this section.
- (3) Subject to subsections (5) and (6) below, no proceedings to which this section applies shall be brought after the period of two years from the date when—
  - (a) the damage or loss was caused; or
  - (b) the loss of life or injury was suffered.
- (4) Subject to subsections (5) and (6) below, no proceedings under any of sections 187 to 189 to enforce any contribution in respect of any overpaid proportion of any damages for loss of life or personal injury shall be brought after the period of one year from the date of payment.
- (5) Any court having jurisdiction in such proceedings may, in accordance with rules of court, extend the period allowed for bringing proceedings to such extent and on such conditions as it thinks fit.
- (6) Any such court, if satisfied that there has not been during any period allowed for bringing proceedings any reasonable opportunity of arresting the defendant ship within—

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**Changes to legislation:** Merchant Shipping Act 1995, Cross Heading: Time limit for proceedings against owners or ship is up to date with all changes known to be in force on or before 01 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) [View outstanding changes](#)

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- (a) the jurisdiction of the court, or
- (b) the territorial sea of the country to which the plaintiff's ship belongs or in which the plaintiff resides or has his principal place of business,

shall extend the period allowed for bringing proceedings to an extent sufficient to give a reasonable opportunity of so arresting the ship.

[<sup>F1</sup>(7) This section has effect subject to section 43 of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023.]

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**Textual Amendments**

**F1** S. 190(7) inserted (18.11.2023) by [Northern Ireland Troubles \(Legacy and Reconciliation\) Act 2023](#) (c. 41), s. 63(2)(b), [Sch. 13 para. 17](#) (with s. 61)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 145(2)(a)(ia) inserted by [2003 c. 44 Sch. 36 para. 13\(2\)](#)
- s. 145(2)(a)(ia) words substituted by [2015 c. 2 Sch. 11 para. 16\(2\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 145(2)(a)(ia) by 2003 c. 44, Sch. 36 para. 13 is still prospective.)
- s. 145(2A) inserted by [2003 c. 44 Sch. 36 para. 13\(3\)](#)
- s. 145(2A) words substituted by [2015 c. 2 Sch. 11 para. 16\(3\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 145(2A) by 2003 c. 44, Sch. 36 para. 13 is still prospective.)