



Merchant Shipping Act 1995

1995 CHAPTER 21

PART XIII

SUPPLEMENTAL

Administration

292 General functions of Secretary of State.

- (1) The Secretary of State shall continue to have the general superintendence of all matters relating to merchant shipping and seamen and is authorised to carry into execution the provisions of this Act and of all Acts relating to merchant shipping and seaman for the time being in force, except where otherwise provided or so far as relating to revenue.
- (2) The Secretary of State may take any legal proceedings under this Act in the name of any of his officers.

293 Functions of Secretary of State in relation to marine pollution.

- (1) The Secretary of State shall continue to have the functions of taking, or co-ordinating, measures to prevent, reduce and minimise the effects of, marine pollution.
- (2) Without prejudice to the generality of subsection (1) above, the functions of the Secretary of State under that subsection include—
 - ^{F1}[(za) the preparation, review and implementation of a national plan setting out arrangements for responding to incidents which cause or may cause marine pollution with a view to preventing such pollution or reducing or minimising its effects;]
 - (a) the acquisition, maintenance, use and disposal of ships, aircraft, equipment and other property;
 - (b) the provision of services, including research, training and advice;

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- (c) the giving of assistance to any other State or international institution under any international agreement relating to the prevention, reduction or control of marine pollution; and
- (d) any other functions exercisable on his behalf on 1st October 1994 by the Marine Pollution Control Unit.
- (3) Assistance under subsection (2)(c) above shall be given on such terms as will secure reimbursement of the cost of giving the assistance if and to the extent that reimbursement will be practicable in the circumstances.
- (4) The Secretary of State may make reasonable charges for the supply of goods or services.
- [^{F2}(4A) Where under subsection (1) above the Secretary of State agrees that another person shall take any measures to prevent, reduce or minimise the effects of marine pollution, he may agree to indemnify that other person in respect of liabilities incurred by that person in connection with the taking of the measures.]
- (5) In this section—
- “marine pollution” means pollution caused by ships, offshore installations or submarine pipelines affecting or likely to affect the United Kingdom or United Kingdom waters or controlled waters;
- “offshore installation” means any installation which is maintained for underwater exploitation or exploration to which the ^{M1}Mineral Working (Offshore Installations) Act 1971 applies;
- “pipeline” has the same meaning as in Part III of the [^{F3}Petroleum Act 1998] and “submarine” means in, under or over United Kingdom waters or controlled waters;
- “United Kingdom controlled waters” means any part of the sea within the limits of an area designated under section 1(7) of the ^{M2}Continental Shelf Act 1964;
- but no restriction as to the seas to which functions under this section extend is implied as regards the functions mentioned in subsection (2)(c) above.

Textual Amendments

- F1** S. 293(2)(za) inserted (17.17.1997) by 1997 c. 28, s. 29(1), **Sch. 6 para. 17**; S.I. 1997/1539, art. 2, **Sch.**
- F2** S. 293(4A) inserted (17.7.1997) by 1997 c. 28, s. 6; S.I. 1997/1539, art. 2, **Sch.**
- F3** Words in s. 293(5) substituted (15.2.1999) by 1998 c. 17, s. 50, **Sch. 4 para. 39** (with Sch. 3 para. 5(1)); S.I. 1999/161, **art. 2(1)**

Marginal Citations

- M1** 1971 c. 61.
- M2** 1964 c. 29.

294 General power to dispense.

- (1) The Secretary of State may, if he thinks fit, and upon such conditions (if any) as he thinks fit to impose, exempt any ship from any specified requirement of, or prescribed under, this Act other than Chapter II of Part VI, or dispense with the observance of any

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such requirement in the case of any ship, if he is satisfied, as respects that requirement, of the matters specified in subsection (2) below.

- (2) Those matters are—
 - (a) that the requirement has been substantially complied with in the case of that ship or that compliance with it is unnecessary in the circumstances; and
 - (b) that the action taken or provision made as respects the subject-matter of the requirement in the case of the ship is as effective as, or more effective than, actual compliance with the requirement.
- (3) The Secretary of State shall annually lay before both Houses of Parliament a special report stating—
 - (a) the cases in which he has exercised his powers under this section during the preceding year; and
 - (b) the grounds upon which he has acted in each case.

295 Registrar General of Shipping and Seamen.

- (1) There shall continue to be an officer known as the Registrar General of Shipping and Seamen.
- (2) The Registrar General of Shipping and Seamen shall be appointed, and may be removed, by the Secretary of State.
- (3) The Registrar General of Shipping and Seamen shall exercise such functions as are conferred on him by this Act and keep such records and perform such other duties as the Secretary of State may direct.
- (4) The Secretary of State may appoint and remove persons to perform on behalf of the Registrar General of Shipping and Seamen such of his functions as the Secretary of State or the Registrar General of Shipping and Seamen may direct.
- (5) Subsection (4) above does not apply in relation to the functions of the Registrar General of Shipping and Seaman as registrar under Part II.

296 Mercantile marine superintendents.

- (1) There shall continue to be officers known as mercantile marine superintendents.
- (2) Mercantile marine superintendents shall be appointed, and may be removed, by the Secretary of State.
- (3) Mercantile marine superintendents shall exercise the functions conferred on superintendents by this Act.

297 Wreck commissioners, etc.

- (1) The Lord Chancellor may appoint such number of persons as he thinks fit to be wreck commissioners and may remove any wreck commissioners appointed by him.
- (2) A wreck commissioner shall vacate his office on the day on which he attains the age of seventy years; but this subsection is subject to section 26(4) to (6) of the ^{M3}Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).

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- (3) Before appointing a person to act as wreck commissioner in Northern Ireland the Lord Chancellor shall consult the Chief Justice of Northern Ireland.
- [^{F4}(3A) The Lord Chancellor may remove a wreck commissioner from office only with the concurrence of—
- (a) the Lord Chief Justice of England and Wales, or
 - (b) if the commissioner was appointed to act in Northern Ireland, the Lord Chief Justice of Northern Ireland.]
- (4) There shall be paid to any wreck commissioner such remuneration, out of money provided by Parliament, as the Lord Chancellor may with the consent of the Treasury determine.
- (5) There shall be paid to any assessor appointed under this Act such remuneration, out of money provided by Parliament, as the Lord Chancellor may with the consent of the Treasury determine.

Textual Amendments

F4 S. 297(3A) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 4 para. 239](#); [S.I. 2006/1014](#), art. 2(a), [Sch. 1 para. 11\(v\)](#)

Marginal Citations

M3 1993 c. 8.

298 Transmission of documents to Registrar General.

- (1) The following duties are imposed on all superintendents and all officers of customs and excise as respects all documents which are delivered or transmitted to or retained by them in pursuance of this Act.
 - (2) They shall take charge of the documents and keep them for such time (if any) as may be necessary for the purpose of settling any business arising at the place where the documents come into their hands, or for any other proper purpose.
 - (3) They shall, if required, produce them for any of those purposes, and shall then transmit them to the Registrar General of Shipping and Seamen.
- [^{F5}(4) The Registrar General of Shipping and Seamen shall retain documents transmitted to him under subsection (3) above for such period as the Secretary of State may direct.]

Textual Amendments

F5 S. 298(4) substituted (17.7.1997) by [1997 c. 28](#), s. 23; [S.I. 1997/1539](#), art. 2 [Sch.](#)

299 Returns, etc to Secretary of State.

- (1) All superintendents shall make and send to the Secretary of State such returns or reports on any matter relating to British merchant shipping or seamen as he may require.

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- (2) All consular officers abroad and all officers of customs and excise abroad shall make and send to the Secretary of State such returns or reports on any matter relating to British merchant shipping or seamen as he may require.
- (3) All superintendents shall, when required by the Secretary of State, produce to him or to his officers all official log-books and other documents which are delivered to them under this Act.
- (4) All surveyors of ships shall make such returns to the Secretary of State as he may require with respect to—
 - (a) the build, dimensions, draught, burden, speed and room for fuel of ships surveyed by them; and
 - (b) the nature and particulars of machinery and equipment of such ships.
- (5) The owner, master and engineer of any ship being surveyed shall, when required to do so, give to the surveyors all such information and assistance within his power as the surveyors require for the purpose of returns under subsection (4) above.
- (6) If the owner, master or engineer, on being required under subsection (5) above to give any information or assistance, fails, without reasonable excuse, to give the information or assistance he shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

300 Forms.

- (1) The Secretary of State may prepare and approve forms for any book, instrument or paper required under this Act, and may alter such forms as he thinks fit.
- (2) The Secretary of State shall cause every such form to be marked with the distinguishing mark of his Department and, before finally issuing any form or making any alteration in a form, shall cause public notice thereof to be given in such manner as he thinks requisite in order to avoid inconvenience.
- (3) The Secretary of State shall cause such forms to be supplied at offices of customs and excise and Department of Transport Marine Offices, free of charge or at such reasonable prices as the Secretary of State may fix, or he may licence any persons to print and sell the forms.
- (4) Every such book, instrument or paper shall be made in the form (if any) approved by the Secretary of State, or as near as circumstances permit; and unless so made shall not be admissible in evidence in any civil proceedings on the part of the owner or master of any ship.
- (5) Every such book, instrument or paper if made in a form purporting to be the proper form and to be marked in accordance with subsection (2) above shall be deemed to be in the form required by this Act, unless the contrary is proved.
- (6) The foregoing provisions do not apply where special provision is made by this Act.
- (7) If any person prints, sells or uses any document purporting to be a form approved by the Secretary of State knowing that the document is not the form approved for the time being or that the document has not been prepared or issued by the Secretary of State that person shall be liable, on summary conviction, to a fine not exceeding level 2 on the standard scale.

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- (8) In Scotland, if any person forges any distinguishing mark on any form issued under this Act or fraudulently alters any such form he shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding six months or to both; or
 - (b) on conviction on indictment, to a fine or to imprisonment or to both.

301 Advisory committees.

- (1) The Secretary of State may, if he thinks fit, appoint committees for the purpose of advising him when considering the making or alteration of any regulations, rules or scales for the purpose of this Act other than Chapter II of Part VI.
- (2) A committee appointed under this section shall consist of persons representing the interests principally affected or having special knowledge of the subject matter.
- (3) The Secretary of State shall pay to the members of any committee under this section such travelling and other allowances as the Secretary of State determines with the consent of the Treasury.
- (4) Committees may be appointed under this section to advise the Secretary of State specially as regards any special regulations, rules or scales or generally as regards any class or classes of regulations, rules or scales which the Secretary of State may assign to them.

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