

Status: Point in time view as at 12/03/2018.

Changes to legislation: Merchant Shipping Act 1995, Paragraph 14 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)

SCHEDULES

[^{F1}SCHEDULE 3A

SAFETY DIRECTIONS

Textual Amendments

F1 Sch. 3A inserted (10.9.2003) by [Marine Safety Act 2003 \(c. 16\)](#), s. 4, [Sch. 1](#)

Unreasonable loss and damage

- 14 (1) This paragraph applies where action taken in accordance with a direction under this Schedule or by virtue of paragraph 4 (“remedial action”)—
- (a) was not reasonably necessary for the purpose for which the direction was given, or
 - (b) caused loss or damage which could not be justified by reference to that purpose.
- (2) The Secretary of State shall pay compensation to any person who—
- (a) suffered loss or damage as a result of the remedial action (whether it was taken by him or someone else), and
 - (b) applies to the Secretary of State for compensation.
- (3) In considering what is reasonably necessary or justifiable for the purpose of subparagraph (1) account shall be taken of—
- (a) the extent of the risk to safety or threat of pollution which the direction was intended to address,
 - (b) the likelihood of the remedial action being effective, and
 - (c) the extent of the loss or damage caused by the remedial action.]

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