



Maritime Conventions Act 1911

1911 CHAPTER 57 1 and 2 Geo 5

An Act to amend the Law relating to Merchant Shipping with a view to enabling certain Conventions to be carried into effect. [16th December 1911]

Modifications etc. (not altering text)

- C1 Act saved (E.W.) (S.) by [Law Reform \(Contributory Negligence\) Act 1945 \(c. 28\), s. 3\(1\)](#)
- C2 Preamble omitted under authority of [Statute Law Revision Act 1927 \(c. 42\)](#)
- C3 Act amended by [S.I. 1983/708, regs. 1\(3\)\(4\)\(b\), 2](#)

Commencement Information

- II Act wholly in force at Royal Assent.

Provisions as to Collisions, &c.

1 Rule as to division of loss.

- (1) Where, by the fault of two or more vessels, damage or loss is caused to one or more of those vessels, to their cargoes or freight, or to any property on board, the liability to make good the damage or loss shall be in proportion to the degree in which each vessel was in fault:

Provided that—

- (a) if, having regard to all the circumstances of the case, it is not possible to establish different degrees of fault, the liability shall be apportioned equally; and
- (b) nothing in this section shall operate so as to render any vessel liable for any loss or damage to which her fault has not contributed; and
- (c) nothing in this section shall affect the liability of any person under a contract of carriage or any contract, or shall be construed as imposing any liability upon any person from which he is exempted by any contract or by any provision of law, or as affecting the right of any person to limit his liability in the manner provided by law.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Maritime Conventions Act 1911. (See end of Document for details)

- (2) For the purposes of this Act, the expression “freight” includes passage money and hire, and references to damage or loss caused by the fault of a vessel shall be construed as including references to any salvage or other expenses, consequent upon that fault, recoverable at law by way of damages.

Modifications etc. (not altering text)

- C4 S. 1 extended by [Crown Proceedings Act 1947 \(c. 44\), s. 12](#) and [S.I. 1979/305, arts. 7, 9](#); excluded (N.I.) by [Law Reform \(Miscellaneous Provisions\) Act \(Northern Ireland\) 1948 \(c. 23\), s. 4\(2\)](#)
- C5 Ss. 1–3, 8, 9(4) extended by [S.I. 1986/1305, art. 7](#)

2 Damages for personal injuries.

Where loss of life or personal injuries are suffered by any person on board a vessel owing to the fault of that vessel and of any other vessel or vessels, the liability of the owners of the vessels shall be joint and several:

Provided that nothing in this section shall be construed as depriving any person of any right of defence on which, independently of this section, he might have relied in an action brought against him by the person injured, or any person or persons entitled to sue in respect of such loss of life, or shall affect the right of any person to limit his liability in cases to which this section relates in the manner provided by law.

Modifications etc. (not altering text)

- C6 S. 2 extended by [Crown Proceedings Act 1947 \(c. 44\), s. 12](#) and [S.I. 1979/305, arts. 7, 9](#)
- C7 Ss. 1–3, 8, 9(4) extended by [S.I. 1986/1305, art. 7](#)

3 Right of contribution.

- (1) Where loss of life or personal injuries are suffered by any person on board a vessel owing to the fault of that vessel and any other vessel or vessels, and a proportion of the damages is recovered against the owners of one of the vessels which exceeds the proportion in which she was in fault, they may recover by way of contribution the amount of the excess from the owners of the other vessel or vessels to the extent to which those vessels were respectively in fault:

Provided that no amount shall be so recovered which could not, by reason of any statutory or contractual limitation of, or exemption from, liability, or which could not for any other reason, have been recovered in the first instance as damages by the persons entitled to sue therefor.

- (2) In addition to any other remedy provided by law, the persons entitled to any such contribution as aforesaid shall, for the purpose of recovering the same, have, subject to the provisions of this Act, the same rights and powers as the persons entitled to sue for damages in the first instance.

Modifications etc. (not altering text)

- C8 S. 3 extended by [Crown Proceedings Act 1947 \(c. 44\), s. 12](#) and [S.I. 1979/305, arts. 7, 9](#)
- C9 Ss. 1–3, 8, 9(4) extended by [S.I. 1986/1305, art. 7](#)

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4 Abolition of statutory presumptions of fault.

- (1) ^{F1}
- (2) The failure of the master or person in charge of a vessel to comply with the provisions of section four hundred and twenty-two of the ^{M1}Merchant Shipping Act 1894 (which imposes a duty upon masters and persons in charge of vessels after a collision to stand by and assist the other vessel) shall not raise any presumption of law that the collision was caused by his wrongful act, neglect, or default, and accordingly subsection (2) of that section shall be repealed.

Textual Amendments

F1 Ss. 4(1), 9(2) repealed by [Statute Law Revision Act 1927 \(c. 42\)](#)

Marginal Citations

M1 1894 c. 60.

[^{F2}5 Jurisdiction in cases of loss of life or personal injury.

Any enactment which confers on any court Admiralty jurisdiction in respect of damage shall have effect as though references to such damage included references to damages for loss of life or personal injury, and accordingly proceedings in respect of such damages may be brought in rem or in personam.]

Textual Amendments

F2 S. 5 repealed (E.W.) in so far as it relates to the High Court and county courts by [Supreme Court of Judicature \(Consolidation\) Act 1925 \(c. 49\)](#), [Sch. 6](#) and [County Courts Act 1934 \(c. 17\)](#), [Sch. 5 Pt. I](#) respectively; (N.I.) by [Administration of Justice Act 1956 \(c. 46\)](#), [Sch. 1 Pt. III](#)

Provisions as to Salvage

6 General duty to render assistance to persons in danger at sea.

- (1) The master or person in charge of a vessel shall, so far as he can do so without serious danger to his own vessel, her crew and passengers (if any), render assistance to every person, even if such person be a subject of a foreign State at war with His Majesty, who is found at sea in danger of being lost, and, if he fails to do so, he shall be guilty of a misdemeanour.
- (2) Compliance by the master or person in charge of a vessel with the provisions of this section shall not affect his right or the right of any other person to salvage.

Modifications etc. (not altering text)

C10 S. 6 amended (1.5.1994) by [1993 c. 22, s. 8\(3\)](#), [Sch. 4 para. 6\(2\)\(b\)](#); S.I. 1993/3137, art. 3(2), [Sch.2](#).

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7 Apportionment of salvage amongst owners, &c., of foreign ship.

Where any dispute arises as to the apportionment of any amount of salvage among the owners, master, pilot, crew, and other persons in the service of any foreign vessel, the amount shall be apportioned by the court or person making the apportionment in accordance with the law of the country to which the vessel belongs.

General Provisions

8 Limitation of actions.

No action shall be maintainable to enforce any claim or lien against a vessel or her owners in respect of any damage or loss to another vessel, her cargo or freight, or any property on board her, or damages for loss of life or personal injuries suffered by any person on board her, caused by the fault of the former vessel, whether such vessel be wholly or partly in fault, or in respect of any salvage services, unless proceedings therein are commenced within two years from the date when the damage or loss or injury was caused or the salvage services were rendered, and an action shall not be maintainable under this Act to enforce any contribution in respect of an overpaid proportion of any damages for loss of life or personal injuries unless proceedings therein are commenced within one year from the date of payment:

Provided that any court having jurisdiction to deal with an action to which this section relates may, in accordance with the rules of court, extend any such period, to such extent and on such conditions as it thinks fit, and shall, if satisfied that there has not during such period been any reasonable opportunity of arresting the defendant vessel within the jurisdiction of the court, or within the territorial waters of the country to which the plaintiff’s ship belongs or in which the plaintiff resides or has his principal place of business, extend any such period to any extent sufficient to give such reasonable opportunity.

Modifications etc. (not altering text)

C11 S. 8 extended by S.I. 1979/305, arts. 7, 9

C12 S. 8 modified by Limitation (Enemies and War Prisoners) Act 1945 (c. 16), s. 1; extended by Crown Proceedings Act 1947 (c. 44), s. 30

C13 Ss. 1–3, 8, 9(4) extended by S.I. 1986/1305, art. 7

9 Application of Act.

(1) This Act shall extend throughout His Majesty’s dominions and to any territories under his protection, and to Cyprus:

Provided that it shall not extend to the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, . . . ^{F3}

(2) ^{F4}

(3) The provisions of this Act shall be applied in all cases heard and determined in any court having jurisdiction to deal with the case and in whatever waters the damage or loss in question was caused or the salvage services in question were rendered, and subsection (9) of section twenty-five of the ^{M2}Supreme Court of Judicature Act 1873 shall cease to have effect.

Status: Point in time view as at 01/02/1991.

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- (4) This Act shall apply to any persons, other than the owners, responsible for the fault of the vessel as though the expression “owners” included such persons, and in any case where, by virtue of any charter or demise, or for any other reason, the owners are not responsible for the navigation and management of the vessel, this Act shall be read as though for references to the owners there were substituted references to the charterers or other persons for the time being so responsible.

Textual Amendments

- F3** Words repealed by [Newfoundland \(Consequential Provisions\) Act 1950 \(c. 5\)](#), [Sch. Pt. II](#) and [South Africa Act 1962 \(c. 23\)](#), [Sch. 5](#)
- F4** Ss. 4(1), 9(2) repealed by [Statute Law Revision Act 1927 \(c. 42\)](#)

Modifications etc. (not altering text)

- C14** S. 9(4) extended by [S.I. 1979/305](#), [arts. 7, 9](#)
- C15** Ss. 1–3, 8, 9(4) extended by [S.I. 1986/1305](#), [art. 7](#)

Marginal Citations

- M2** 1873 c. 66.

10 Short title and construction.

This Act may be cited as the Maritime Conventions Act 1911 and shall be construed as one with the Merchant Shipping Acts 1894 to 1907.

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Changes to legislation:

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