

## SCHEDULE 4

Article 9

### INVESTIGATION OF CASUALTIES

#### PART A

##### MODIFICATIONS OF PART VI OF THE MERCHANT SHIPPING ACT 1894

The following are modifications of Part VI of the Merchant Shipping Act 1894 referred to in Article 9 of this Order:—

(1) For section 464 there shall be substituted—

“For the purposes of inquiries and investigations under this Part of this Act, a hovercraft casualty shall be deemed to occur when a hovercraft—

- (a) has sustained, caused or been involved in any accident occasioning loss of life or any serious injury to any person;
- (b) becomes lost, abandoned, missing or stranded;
- (c) suffers such damage as the result of any accident that its safety is impaired; or
- (d) becomes involved in a collision with another hovercraft or ship;

but only when the occurrence takes place—

- (i) on or over the sea or other navigable water; or
- (ii) between the time when any person goes on board the hovercraft for the purpose of making a journey which would involve crossing the sea or other navigable water and the time when it comes to rest at the end of such a journey; or
- (iii) during the testing or maintenance of a hovercraft which normally makes journeys on or over the sea or other navigable water

and also only if at the time the occurrence takes place, the hovercraft was registered in the United Kingdom or was operating unregistered in accordance with any provisions of any Order made under section 1(1)(a) of the Hovercraft Act 1968 or was within the United Kingdom or United Kingdom territorial waters.”

(2) For section 465 there shall be substituted—

“(1) Where a hovercraft casualty has occurred a preliminary inquiry may be held respecting the casualty by a person appointed for the purpose by the Secretary of State.

(2) A person appointed under this section to hold a preliminary inquiry into a hovercraft casualty shall for the purpose of the inquiry have the powers conferred on an inspector by section 729 of this Act as if the reference therein to a ship were a reference to a hovercraft”.

(3) For section 466(1) there shall be substituted—

“The Secretary of State may cause a formal investigation to be held, if in England, Wales, or Northern Ireland, by a wreck commissioner, and in Scotland, by a sheriff, and any reference to the court holding an investigation under this section means a wreck commissioner or sheriff, as the case may be, holding such an investigation”.

(4) Section 466(2) shall not apply.

(5) For section 466(3) there shall be substituted—

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“The court holding any such formal investigation shall hold the same with the assistance of one or more assessors of nautical, engineering, hovercraft or other special skill or knowledge to be appointed by the Lord Chancellor”.

(6) Section 466(4) and (5) shall not apply.

(7) Section 467 to 474 shall not apply.

(8) In section 475(1) the words “or an inquiry into the conduct of a master, mate or engineer” shall be omitted.

(9) Section 475(3) shall not apply.

(10) Section 476 shall not apply.

(11) For section 477 there shall be substituted—

“(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) Before appointing a person as wreck commissioner in Northern Ireland, the Lord Chancellor shall consult the Lord Chief Justice of Northern Ireland”.

(12) Section 478 shall not apply.

(13) Sections 480–490 shall not apply.

(14) For section 491 there shall be substituted—

“There may be paid out of the money provided by Parliament to any wreck commissioner, sheriff, assessor in any court of investigation under this part of this Act, registrar of a court, or any other officer, or person appointed for the purpose of any court of investigation under this part of this Act, such salary or remuneration (if any) as the Treasury may direct”.

## PART B

### MODIFICATIONS OF THE SHIPPING CASUALTIES AND APPEALS AND RE-HEARINGS RULES 1923

The following are modifications of the Shipping Casualties and Appeals and Re-hearings Rules 1923 referred to in Article 9 of this Order:—

(1) After the word “owner”, wherever it appears, there shall be added “or operator”.

(2) Rule 1 shall not apply.

(3) In Rule 2 the definition of “List of Assessors” shall be deleted and in the definition of judge the words “sheriff substitute, stipendiary magistrate, justices” shall be omitted.

(4) In Rule 15 the words “Except where the certificate of an officer is cancelled or suspended in which case the decision shall always be given in open Court” shall be omitted.

(5) In Rule 19 the words “other than an appeal under section 68 of the Merchant Shipping Act 1906” shall be omitted.

(6) For Rule 20(e) there shall be substituted the following—

“The Court of Appeal shall be assisted by not less than two suitably qualified or experienced persons to be selected by the Court who shall have regard to the nature of the case.”

(7) In Rule 21(a) the words “or 478” shall be omitted and after “1894” there shall be inserted the words “as applied by the Hovercraft (Application of Enactments) Order 1972”.

(8) Rules 22 to 26 shall not apply.

(9) Rules 30 and 31 shall not apply.

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(10) Part II of the Appendix shall not apply.