
STATUTORY INSTRUMENTS

1979 No. 807 (C. 19)**MERCHANT SHIPPING****The Merchant Shipping Act 1979 (Commencement No. 1)
Order 1979**

Made - - - - - 10th July 1979
Coming into Operation 1st August 1979

The Secretary of State, in exercise of powers conferred on him by section 52(2) of the Merchant Shipping Act 1979(a) (hereinafter referred to as "the Act") and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Merchant Shipping Act 1979 (Commencement No. 1) Order 1979 and shall come into operation on 1st August 1979.

2.—(1) The provisions of the Act specified in the first column of Schedule 1 to this Order (which relate to the matters specified in the second column of that Schedule) shall come into force on 1st August 1979.

(2) The provisions of the Act specified in the first column of Schedule 2 to this Order (which relate to the matters specified in the second column of that Schedule) shall come into force on 1st October 1979.

(3) The provisions of the Act specified in the first column of Schedule 3 to this Order (which relate to the matters specified in the second column of that Schedule) shall come into force on 1st January 1980.

Norman Tebbit,

Parliamentary Under-Secretary of State,
Department of Trade.

10th July 1979.

SCHEDULE 1

PROVISIONS COMING INTO FORCE ON 1ST AUGUST 1979

Provisions of the Act	Subject matter of provisions
Section 1	Constitution of Pilotage Commission
Section 2	Payments by pilotage authorities to Commission
Section 3	Other financial provisions relating to Commission
Section 4	Functions of Commission
Section 5	Annual report
Section 6	Review of pilotage services and non-compulsory pilotage areas
Section 12	Pilots' pension and compensation schemes
Section 13, subsection (1) so far as it relates to the provisions of Schedule 2 set out below in this Schedule; and subsection (5)	Miscellaneous amendments etc. of Pilotage Act 1913
Section 16	Application of Schedule 3 to international carriage before coming into force of s.14(1) and (2) (Athens Convention relating to the carriage of passengers and luggage by sea) and to domestic carriage
Section 20	Prevention of pollution from ships etc.
Section 21	Safety and health on ships
Section 22	Provisions supplementary to s.21
Section 26	Extension of power to appoint Department of Trade inspectors
Section 32, subsection (1)	Shipping casualties
Section 33	Commissioners of Northern Lighthouses and Irish Lights
Section 34	Repeal of spent provisions, and amendment of Part XI of the Merchant Shipping Act 1894
Section 35, subsection (1) except in so far as it applies in relation to fishing vessels	Amendment of s.503 of the Merchant Shipping Act 1894
Section 36, subsections (1) and (3)	Amendments of Merchant Shipping (Mercantile Marine Fund) Act 1898

Provisions of the Act	Subject matter of provisions
Section 37, except subsections (4) and (6)	Amendments of ss. 15, 43, 76(1) and 101(4) of Merchant Shipping Act 1970 and s.23 of the Prevention of Oil Pollution Act 1971
Section 39	Attachment of earnings
Section 40	Foreign action affecting shipping
Section 41	Application of Merchant Shipping Acts to certain structures etc.
Section 47, subsections (1) and (3); and (2) so far as it relates to sections 21, 22, 26, 32(1), 35(1) except in so far as it applies to fishing vessels, 37(2) (3) (5) (7) and (8), 39, 41, 49, 50(1) (2) and (4) so far as it relates to the provisions of Schedule 7 set out below in this Schedule, and 52	Power to extend Act to certain countries etc.
Section 48	Application to hovercraft
Section 49	Orders and Regulations
Section 50, subsections (1) (2) and (4) so far as it relates to the provisions of Schedule 7 set out below in this Schedule	Interpretation and repeals
Section 51, subsections (1) and (3)	Expenses etc.
Section 52	Citation and commencement
Schedule 1	Further provisions relating to constitution etc. of Pilotage Commission
In Schedule 2, paragraphs 1, 2, 3, 4, 5(2), 6, 7, 10(2), 11, 14, 15, 16, 17, 18, 19, 20(1) and in (2) only the words from "In section 44(3)" to "on summary conviction", 21, 23, 24, 25, 26 and 27	Miscellaneous amendments of Pilotage Act 1913
Schedule 7, so far as it relates to the repeals set out in the Appendix to this Schedule	Enactments repealed

APPENDIX TO SCHEDULE 1

REPEALS TAKING EFFECT ON 1ST AUGUST 1979

Chapter	Short Title	Extent of repeal
57 & 58 Vict. c.60	The Merchant Shipping Act 1894	Section 637 In section 638 the words from "but" to "of this Act" Sections 640 and 641 Sections 670 to 672 and 675 Section 677(m)
61 & 62 Vict. c.44	The Merchant Shipping (Mercantile Marine Fund) Act 1898	Section 2(1) and (2) In section 7 the words "or out of colonial light dues" and the definition of "Basses Lights Fund"
2 & 3 Geo. 5 c.31	The Pilotage Act 1913	In Schedule 3, paragraph II Sections 1, 2 and 6 In section 7, paragraph (a) of subsection (4) Sections 8(2) and 9 In section 17(1) paragraph (i) In section 22(1) the words from "and any returns" onwards In section 30(2) the words "to the licensed pilot and" Section 33(2) In section 35, subsection (2) and in subsection (3) the words "his" and "pilot's" In section 39, paragraphs (a) and (b) of subsection (1) and in subsection (2) the words "that the pilot boat possesses all the above characteristics and" and the words from "and also" to "concealed" Sections 48(1) (a), 56, 58 and 59
1967 c.27	The Merchant Shipping (Load Lines) Act 1967	Section 27(4)
1970 c.36	The Merchant Shipping Act 1970	In section 15(1) the words from "unless" onwards

SCHEDULE 2
PROVISIONS COMING INTO FORCE ON 1ST OCTOBER 1979

Provisions of the Act	Subject matter of provisions
Section 27	Powers of Department of Trade inspectors
Section 28	Provisions supplementary to s.27
Section 46 except, in subsection (1) the words and figures "23(6)" and "or 44(1)"	Offences by officers of bodies corporate
Section 47(2), so far as it relates to sections 27, 28 and 46, and 50(4) so far as it relates to the provisions of Schedule 7 set out below in this Schedule	Power to extend Act to certain countries etc.
Section 50(4) so far as it relates to the provisions of Schedule 7 set out below in this Schedule	Interpretation and repeals
Schedule 7, so far as it relates to the repeals set out in the Appendix to this Schedule	Enactments repealed

APPENDIX TO SCHEDULE 2
REPEALS TAKING EFFECT ON 1ST OCTOBER 1979

Chapter	Short Title	Extent of repeal
57 & 58 Vict. c.60	The Merchant Shipping Act 1894	Section 420(3) In section 431(1) the words from "and" onwards Sections 729 and 730
1964 c.47	The Merchant Shipping Act 1964	In section 7(2) the words from "and for that purpose" to "Acts"
1967 c.27	The Merchant Shipping (Load Lines) Act 1967	Section 11(2) In sections 17(1) and 24(6) the words from "and" onwards
1970 c.27	The Fishing Vessels (Safety Provisions) Act 1970	In section 1(3) the words from "and" onwards
1971 c.60	The Prevention of Oil Pollution Act 1971	In section 18(5) the words from "and in subsection (3)" onwards

SCHEDULE 3

PROVISIONS COMING INTO FORCE ON 1ST JANUARY 1980

Provisions of the Act	Subject matter of provisions
Section 13, subsection (1) so far as it relates to the provisions of Schedule 2 set out below in this Schedule; and subsections (2), (3) and (4)	Miscellaneous amendments etc. of Pilotage Act 1913
Section 29	Inquiries as to whether person has died on United Kingdom ship etc.
Section 30	Record of certain deaths on ships etc.
Section 42	Alteration of time for certain summary prosecutions
Section 43	Alteration of penalties
Section 44	Offence in respect of dangerously unsafe ship
Section 45	Amendment of certain offences provisions of Merchant Shipping Act 1970
Section 47(2), so far as it relates to section 45, and 50(4) so far as it relates to the provisions of Schedule 7 set out below in this Schedule	Power to extend to certain countries etc.
Section 50(4) so far as it relates to the provisions of Schedule 7 set out below in this Schedule	Interpretation and repeals
Schedule 2, paragraphs 12 and 22	Amendment of sections 31 and 46 of Pilotage Act 1913
Schedule 6	Alteration of penalties
Schedule 7, so far as it relates to the repeals set out in the Appendix to this Schedule	Enactments repealed

APPENDIX TO SCHEDULE 3

REPEALS TAKING EFFECT ON 1ST JANUARY 1980

Chapter	Short Title	Extent of repeal
57 & 58 Vict. c.60	The Merchant Shipping Act 1894	Section 73(4) and (5) Section 360(3) In section 446(2) the words from "then" onwards Section 457 Section 724(4)
6 Edw. 7. c.48	The Merchant Shipping Act 1906	Section 82(2)
12 & 13 Geo. 6 c.43	The Merchant Shipping (Safety Convention) Act 1949	Section 24(4)
1967 c.27	The Merchant Shipping (Load Lines) Act 1967	In section 4(3) the words from "and, if" onwards In Schedule 1, the entry relating to section 281(2) of the Merchant Shipping Act 1894
1970 c.36	The Merchant Shipping Act 1970	In section 6(4) the words from "and if" onwards In Schedule 2, paragraph 2 In Schedule 5, in the entries relating to the Merchant Shipping Act 1894, the words "section 271(3)"
1974 c.43	The Merchant Shipping Act 1974	Section 19(2)
1975 c.21	The Criminal Procedure (Scotland) Act 1975	In Schedule 7C the entry relating to the Merchant Shipping Act 1894
1977 c.45	The Criminal Law Act 1977	In Schedule 6 the entry relating to the Merchant Shipping Act 1894.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order brings into force on the dates specified in it, the provisions of the Merchant Shipping Act 1979 specified in the Schedules to the Order and also effects the repeals set out in the Appendices to those Schedules.

In general—

- (1) Schedule 1: on 1st August 1979 provisions are brought into effect, and repeals effected, relating to:
 - (a) the Pilotage Commission and other provisions relating to pilotage;
 - (b) the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea (interim provisions and application to domestic carriage);
 - (c) prevention of pollution from ships etc;
 - (d) safety and health on ships;
 - (e) inspectors;
 - (f) miscellaneous and supplemental matters;
- (2) Schedule 2: on 1st October 1979 other provisions are brought into effect, and repeals effected, relating to:
 - (a) inspectors;
 - (b) offences by officers of bodies corporate;
 - (c) supplemental matters;
- (3) Schedule 3: on 1st January 1980 provisions are brought into effect, and repeals effected, relating to death inquiries, offences and to the alteration of penalties under the Merchant Shipping and other Acts.

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