
STATUTORY INSTRUMENTS

1982 No. 1617 (C. 50)**MERCHANT SHIPPING****The Merchant Shipping Act 1970
(Commencement No. 9) Order 1982***Made - - - - 15th November 1982*

The Secretary of State, in exercise of powers conferred by section 101(4) of the Merchant Shipping Act 1970(a) (hereinafter referred to as "the 1970 Act") and now vested in him (b), 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 1970 (Commencement No. 9) Order 1982.

2.—(1) Section 58 of the 1970 Act (rules as to inquiries, investigations and appeals) shall come into operation on 1st December 1982.

(2) The provisions of the 1970 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 operation on 1st January 1983 subject to the limitations (if any) specified in the third column of that Schedule.

(3) The provisions of the 1970 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 operation on 1st July 1983 subject to the limitations (if any) specified in the third column of that Schedule.

Iain Sproat,
Parliamentary Under-Secretary
of State,
Department of Trade.

15th November 1982.

(a) 1970 c.36; section 101(4) was amended by section 37(7) of the Merchant Shipping Act 1979 (c.39).

(b) See S.I. 1970/1537.

SCHEDULE 1
PROVISIONS COMING INTO FORCE ON 1st JANUARY 1983

Provisions of the Act	Subject matter of provisions	Limitations on Commencement
Section 52(a)	Inquiry into fitness or conduct of officer	
Section 53	Disqualification of holder of certificate other than officer's	
Section 54(a)	Inquiry into fitness or conduct of seaman other than officer	
Section 57	Re-hearing of and appeal from inquiries	
Section 59(b)	Failure to deliver cancelled or suspended certificate	To the extent that this section applies to an inquiry under section 52 or 54 of the 1970 Act
Section 100(3)	Repeals	To the extent that this section applies to sections 52, 53 and 54 of the 1970 Act
Schedule 4, paragraph 8	Savings provision	To the extent that this subsection relates to the provisions of Schedule 5 brought into force by this Schedule
Schedule 5, so far as it relates to the repeals set out in the Appendix to this Schedule	Enactments repealed	To the extent that it applies to an inquiry
(a) Sections 52(3) and 54(2) were amended by section 37(4) of the Merchant Shipping Act 1979. (b) Section 59 was amended by section 43(1) of and Part II of Schedule 6 to the Merchant Shipping Act 1979.		Except so far as the enactments apply to fishing vessels by virtue of section 414 of the Merchant Shipping Act 1894

APPENDIX TO SCHEDULE 1
 REPEALS TAKING EFFECT ON 1st JANUARY 1983
 (Note: these repeals do not apply in relation to fishing vessels)

Chapter	Short Title	Enactment Repealed	Limitations on Repeal
1894 c.60	The Merchant Shipping Act 1894	In Part VI:— section 470 section 471 section 472 sections 473 and 474	To the extent that it applies in relation to an inquiry
		sections 475 and 479	To the extent that they apply in relation to a certificate cancelled or suspended under the said section 470 (to the extent that it is now repealed) To the extent that they apply in relation to an inquiry into the conduct of a master, mate or engineer under Part VI of the Merchant Shipping Act 1894
1906 c.48	The Merchant Shipping Act 1906	In Part V:— section 66	To the extent that it applies in relation to an inquiry under Part VI of the Merchant Shipping Act 1894
1950 c.9	The Merchant Shipping Act 1950	sections 67 and 68 section 3	

SCHEDULE 2
PROVISIONS COMING INTO FORCE ON 1st JULY 1983

Provisions of the Act	Subject matter of provisions	Limitations on Commencement
Section 55(a)	Inquiries and investigations into shipping casualties	
Section 56(b)	Formal investigation into shipping casualty	
Section 57	Re-hearing of and appeal from investigations	To the extent that this section is not already in force
Section 59(c)	Failure to deliver cancelled or suspended certificate	To the extent that this section is not already in force
Section 100(3)	Repeals	To the extent that this subsection relates to the provisions of Schedule 5 brought into force by this Schedule
Schedule 4, paragraph 8	Savings provision	To the extent that this paragraph is not already in force
Schedule 5, so far as it relates to the repeals set out in the Appendix to this Schedule		Except so far as the enactments apply to fishing vessels by virtue of section 414 of the Merchant Shipping Act 1894

(a) Section 55(1)(b) was amended and section 55(1A) was added by section 32(2) of the Merchant Shipping Act 1979; section 55(2) was amended by section 28(7)(b) of the Merchant Shipping Act 1979

(b) Section 56(1) was amended by section 32(3) of the Merchant Shipping Act 1979; section 56(2) and (7) was amended by section 154(1) and paragraph 90 of Schedule 7 to the Magistrates' Courts Act 1980 (c. 43).

(c) Section 59 was amended by section 43(1) of and Part III of Schedule 6 to the Merchant Shipping Act 1979.

APPENDIX TO SCHEDULE 2
 REPEALS TAKING EFFECT ON 1st JULY 1983

(Note: these repeals do not apply in relation to fishing vessels)

Chapter	Short Title	Enactments Repealed	Limitations on Repeal
1894 c.60	The Merchant Shipping Act 1894	In Part VI:— sections 464(a), 465(b), 466 and 467 section 470 sections 473 and 474	To the extent that it applies in relation to a formal investigation To the extent that they apply in relation to a certificate cancelled or suspended under the said section 470 so far as it related to formal investigations To the extent that they apply in relation to a formal investigation into the conduct of a master, mate or engineer under Part VI of the Merchant Shipping Act 1894
1906 c.48	The Merchant Shipping Act 1906	section 476 In Part V:— section 66	To the extent that it applies in relation to a formal investigation under Part VI of the Merchant Shipping Act 1894

(a) Section 464 was amended by section 32(1) of the Merchant Shipping Act 1979.
 (b) Section 465(2) was amended by section 28(7) of the Merchant Shipping Act 1979.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order brings into force on 1st December 1982 section 58 of the Merchant Shipping Act 1970 (rules as to inquiries, investigations and appeals).

The Order also brings into effect on 1st January 1983 the provisions of the Merchant Shipping Act 1970 specified in Schedule 1, which relate to inquiries into the fitness or conduct of officers and seamen. The repeals specified in the Appendix to that Schedule relate to such inquiries held under the Merchant Shipping Act 1894 and are superseded by these provisions of the 1970 Act and by rules to be made under these provisions. The repeals do not apply in relation to fishing vessels: regulations relating to the manning of such vessels have not yet been made under the 1970 Act.

Sections 67 and 68 of the Merchant Shipping Act 1906 and section 3 of the Merchant Shipping Act 1950, all of which relate to naval courts, are also repealed.

The Order also brings into effect on 1st July 1983 the provisions of the Merchant Shipping Act 1970 specified in Schedule 2, which relate to formal investigations into shipping casualties. The repeals specified in the Appendix to that Schedule relate to such formal investigations held under the Merchant Shipping Act 1894 and are superseded by these provisions of the 1970 Act and by rules to be made under these provisions. The repeals do not apply in relation to fishing vessels.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This Note is not part of the Order.)

In this Note:

“MSA 1974” means the Merchant Shipping Act 1974(a);

“MSA 1979” means the Merchant Shipping Act 1979(b);

an asterisk (*) denotes that the prescribed penalty has been increased by Schedule 6 to the MSA 1979.

The following provisions of the Merchant Shipping Act 1970 have been brought into force by commencement orders made before the date of this Order:

Provision	Date of commencement	S.I. No
ss. 1*, 2*, 3*, 4, 5, 7, 8*, 9, 10	1.1.73	1972/1977
s. 11 (see s. 39(3) MSA 1979)	1.1.73	1972/1977
ss. 12 to 14	1.1.73	1972/1977
s. 15 (amended by s. 37(1) MSA 1979) ...	1.8.79	1979/809
ss. 16 to 18	1.1.73	1972/1977
s. 19*	1.8.79	1979/809
s. 20*	19.12.75	1975/2156
ss. 21* 22*, 23*	1.1.73	1972/1977
s. 24*	1.10.74	1974/1194

(a) 1974 c.43

(b) 1979 c.39.

Provision	Date of commencement	S.I. No
ss. 25, 26	1.1.73	1972/1977
s. 27* (amended by s. 45(1) MSA 1979)	1.1.73	1972/1977
s. 28* (amended by s. 45(2) MSA 1979)	1.1.73	1972/1977
s. 29 (repealed by s. 19(3) MSA 1974)	1.1.73	1972/1977
s. 30* (amended by s. 19(4) MSA 1974)	1.1.73	1972/1977
s. 31 (repealed by s. 19(3) MSA 1974)	1.1.73	1972/1977
s. 32 (amended by s. 19(6) MSA 1974)	1.1.73	1972/1977
ss. 33, 34*, 35, 37 to 42	1.1.73	1972/1977
s. 43* (see s. 37(2) and (3) MSA 1979)	19.12.75	1975/2156
ss. 44, 45*, 46*, 47*	19.12.75	1975/2156
s. 48*	1.1.73	1972/1977
s. 49	19.12.75	1975/2156
s. 50*	1.9.81	1981/1186
s. 60	1.9.81	1981/1186
s. 61* (amended by s. 28(7)(b), 29(1) and (2) MSA 1979)	1.1.73	1972/1977
ss. 62*, 63, 64, 65*, 66, 67, 68*, 69*, 70*, 71*	1.1.73	1972/1977
s. 72* (amended by s. 30 MSA 1979)	1.1.73	1972/1977
ss. 73*, 74*, 75	1.1.73	1972/1977
s. 76* (amended by s. 37(5) MSA 1979)	1.1.73	1972/1977
ss. 77*, 78*, 79 to 84	1.1.73	1972/1977
ss. 85 and 86*	18.11.74	1974/1908
ss. 88, 89* 90	1.1.73	1972/1977
s. 91*	16.7.82	1982/840
s. 92 (amended by s. 37(6) MSA 1979)	1.1.73	1972/1977
ss. 93, 94	1.1.73	1972/1977
s. 95(1) (amended by s. 45(3) MSA 1979), (4) to (6)	1.1.73	1972/1977
s. 95(2)	1.8.79	1979/809
s. 96	1.1.73	1972/1977
s. 97 (amended by s. 29(3) MSA 1979)	1.1.73	1972/1977
ss. 98 and 99	1.1.73	1972/1977
s. 100 and sch. 5 partially	1.1.73 and 6.4.74	1972/1977
	1.10.74	1974/1194
	18.11.74	1974/1908
	1.7.79	1978/797
	1.8.79	1979/809
	1.9.81	1981/1186
	16.7.82	1982/840
s. 101 (amended by s. 37(7) MSA 1979)	1.1.73	1972/1977
sch. 1	18.11.74	1974/1908
sch. 2 Part I, paragraph 1 and Part II	1.1.73	1972/1977
sch. 3, paragraphs 1 to 4, 8 and 9, 11 to 14	1.1.73 and 6.4.74	1972/1977
sch. 3, paragraph 10	18.11.74	1974/1908
sch. 3, paragraphs 5, 6 and 7	1.9.81	1981/1186
sch. 4, paragraphs 1 to 4	1.1.73	1972/1977
sch. 4, paragraph 9	1.9.81	1981/1186
sch. 5 (partially)	1.1.73 and 6.4.74	1972/1977
	1.10.74	1974/1194
	18.11.74	1974/1908
	1.7.79	1978/797
	1.8.79	1979/809
	1.9.81	1981/1186
	16.7.82	1982/840

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