

1988 No. 1907 (C.71)

MERCHANT SHIPPING

**The Merchant Shipping Act 1988 (Commencement No. 2)
Order 1988**

Made - - - - *2nd November 1988*

The Secretary of State for Transport, in exercise of powers conferred on him by section 58(2) of the Merchant Shipping Act 1988(a) hereby makes the following Order:-

1. This Order may be cited as the Merchant Shipping Act 1988 (Commencement No. 2) Order 1988.

2. The provisions of the Merchant Shipping Act 1988 specified in the first column of the Schedule to this Order (which relate to the matters specified in the second column of that Schedule) shall come into force on 1st December 1988.

Signed by authority of
the Secretary of State
2nd November 1988

Michael Portillo
Minister of State
Department of Transport

SCHEDULE

PROVISIONS COMING INTO FORCE ON 1ST DECEMBER 1988

Provisions of the Act	Subject matter of provisions
Section 4(6)	Fishing vessels not to be registered under Part I of the Merchant Shipping Act 1894
Section 54 so far as it relates to notices under Part II of the Act	Services of documents
Section 57(4) so far as it relates to the provisions of Schedule 6 set out below in this Schedule	Consequential amendments

Provisions of the Act	Subject matter of provisions
Section 57(5) so far as it brings into effect the provisions of Schedule 7 set out below in this Schedule	Repeals
Section 58(4) except so far as it relates to paragraphs 2 and 5 of Schedule 8	Transitional provisions and savings
In Schedule 6:-	Minor and consequential amendments
The entry for the Sea Fisheries Act 1868	Fishing vessels to have official papers
The entry for the Contracts Employment and Redundancy Payments Act (Northern Ireland) 1965	Excluded categories of employees
The entry for the Sea Fish (Conservation) Act 1967	Size limits, etc for fish
The entry for the Sea Fisheries Act 1968	Definition of "British fishing boat"
The entry for the Fishing Vessels (Safety Provisions) Act 1970	Definition of "fishing vessel"
The entry for the Merchant Shipping Act 1970 so far as it is not already in force	Application of the Act to fishing vessels
The entry for the Fishery Limits Act 1976	Definition of "foreign fishing boat"
The entry for the Employment Protection (Consolidation) Act 1978	Mariners
The entry for the Customs and Excise Management Act 1979	Power to regulate small craft
The entry for the British Fishing Boats Act 1983	Definition of "British fishing boat"
Sub-paragraph (b) of paragraph 1 of the entry for the Merchant Shipping Act 1983	Definition of "fishing vessel"
The entry for the Inshore Fishing (Scotland) Act 1984	Definition of "British fishing boat"
The entry for the Safety at Sea Act 1986	Definition of "fishing vessel"
Schedule 7 so far as it relates to the repeals set out in the Appendix to this Schedule	Enactments repealed
In Schedule 8 paragraph 4	Operation of section 4(6) of the Act

APPENDIX

Repeals taking effect on 1st December 1988

Chapter	Short Title	Extent of Repeal
1886 c.53.	Sea Fishing Boats (Scotland) Act 1886.	The whole Act.
1894 c.60.	Merchant Shipping Act 1894.	Sections 370 and and 372 to 374.
1968 c.77.	Sea Fisheries Act 1968.	In Schedule 1, paragraphs 23, 32 and 33.
1976 c.86.	Fishery Limits Act 1976.	Section 2(8)(b). In Schedule 2, paragraph 3.
1983 c.8.	British Fishing Boats Act 1983	Section 11(2).
1984 c.26.	Inshore Fishing (Scotland) Act 1984.	In Schedule 1, the entry relating to the 1894 Act.

EXPLANATORY NOTE

(This note is not part of the Order)

By virtue of section 58(3) of the Merchant Shipping Act 1988, Part II thereof comes into force when the Merchant Shipping (Registration of Fishing Vessels) Regulations 1988 (S.I. 1988/1926) come into force which is on 1st December 1988. This Order brings into force on the same date related provisions of the Act which are set out in the Schedule to the Order. It also effects the repeals set out in the Appendix to the Schedule which are consequential on the coming into force of Part II.

NOTE AS TO EARLIER COMMENCEMENT ORDER

(This note is not part of the Order)

The following provisions of the Act were brought into force on 4th July by an earlier commencement order, S.I. No. 1988/1010.

Provisions of the Act

Section 11
Section 26
Sections 28 and 29
Section 30
Sections 31 to 33
Section 35 to 47
Section 48 and Schedule 5 partially
Section 49 to 51
Section 53
Sections 55 and 56
Section 57 partially
Section 58
Schedule 5 partially
Schedule 6 partially
Schedule 7 partially
In Schedule 8, paragraphs 1 and 3

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