

**1989 No. 353 (C.13)**

**MERCHANT SHIPPING**

**The Merchant Shipping Act 1988  
(Commencement No. 3) Order 1989**

*Made* - - - - *7th March 1989*

Whereas this Order brings into force Part I (so far as it is not already in force) of and Schedule 1 to the Merchant Shipping Act 1988(a) (hereinafter called "the Act");

And whereas it appears to the Secretary of State for Transport necessary or expedient in connection with the coming into force of that Part and Schedule to make the saving provision hereinafter appearing;

Now therefore the Secretary of State, in exercise of the powers conferred by section 58(2) and (4) of the Act hereby makes the following Order:—

1. This Order may be cited as the Merchant Shipping Act 1988 (Commencement No. 3) Order 1989.

2. The provisions of the Act 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 April 1989.

3. Notwithstanding the coming into force of paragraph 2(b) of Schedule 1 to the Act (which amends section 7 of the Merchant Shipping Act 1894(b) by the omission of subsection (2) thereof) the power of exemption given to the Secretary of State by that subsection shall continue to have effect in relation to any class of ship in respect of which it was exercised immediately before 1st April 1989.

Signed by authority of the Secretary of State

7th March 1989

*Michael Portillo*  
Minister of State,  
Department of Transport

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(a) 1988 c.12.  
(b) 1894 c.60.

**SCHEDULE**  
**PROVISIONS COMING INTO FORCE ON 1ST APRIL 1989**

<i>Provisions of the Act</i>	<i>Subject matter of provisions</i>
Part I, to the extent that it is not already in force	Registration of British ships.
Section 52	Disclosure of information to the Secretary of State by other government departments.
Section 54, to the extent that it is not already in force	Service of documents.
Section 57, subsection (4) so far as it relates to the provisions of Schedule 6 set out below, and subsection (5) so far as it relates to provisions of Schedule 7 set out below	Minor and consequential amendments, and repeals.
Section 58 (4), to the extent that it is not already in force	
Schedule 1	Amendments of Part I of the Merchant Shipping Act 1894.
In Schedule 5 :— The entry for the Merchant Shipping Act 1906(a)	Mortgages of ships sold to foreigners.
In Schedule 6:— The entry for the Merchant Shipping Act 1906	Power of Commissioners to inquire into title of a registered ship.
The entry for the Merchant Shipping Act 1965(b)	Tonnage Regulations.
The entries for the Merchant Shipping Act 1983(c)	Small ships.
Schedule 7 so far as it relates to the repeals set out in the Appendix to this Schedule	Repeals.
In Schedule 8, paragraphs 2 and 5	Transitional provisions.

**APPENDIX**

**Repeals taking effect on 1st April 1989**

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1894 c.60.	Merchant Shipping Act 1894.	Sections 1 to 3. Section 4(2). In section 6, the word "British". In section 7, in subsection (1) the word "British", and subsection (2). Section 9(iii). In section 11, the word "book". In section 13, the word "British". Section 19. In section 23, the words "or to the governor of a British possession" and "or the governor". In section 26, the word "book", wherever occurring. In section 27, subsection (1)(b), and in subsection (2) the word "book".

(a) 1906 c.48.  
(b) 1965 c.47.  
(c) 1983 c.13.

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		In sections 32 and 33, the word "book", wherever occurring.
		In section 38, in subsection (1) the word "marriage," and in subsection (2) the word "book".
		Sections 39 to 46.
		In sections 47(4) and (5) and 48(1), the word "book", wherever occurring.
		Sections 54 and 55.
		In sections 56 and 57, the word "book", wherever occurring.
		Section 61(1).
		In section 62, the words "if taken in any part of the United Kingdom," and the words from "if taken in a British possession" onwards.
		In section 63, in subsection (1) the words "in the United Kingdom" and the words from "and every" to "Seamen", and in subsection (2) the words "at a port in the United Kingdom".
		In section 64(2), paragraph (a), and in paragraph (d) the words "in respect of a British ship".
		In section 65, in subsection (1) the words from "and also" to "schedule", in subsections (2) and (4) the word "book", wherever occurring and subsection (3).
		Section 71.
		In section 73, in subsection (1) the words "or boats" and "or boat", in subsection (2) the words "or boat" (where last occurring), and in subsection (3) the words "or boat".
		In section 76(1), the words from "and elsewhere" to "dominions".
		Section 85.
		Sections 88 to 91.
		Section 695(2)(a).
		In Schedule 1, Part I, and in Part II the words "Certificate of mortgage", "Certificate of sale" and "Revocation of certificate of sale or mortgage".
1906 c.48.	Merchant Shipping Act 1906.	Sections 51 and 52.
1923 c.4.	Fees (Increase) Act 1923.	Section 2(1).
1965 c.47.	Merchant Shipping Act 1965.	Section 1(2)(c). In Schedule 1, the entry relating to section 85 of the 1894 Act.
1979 c.39.	Merchant Shipping Act 1979.	Section 31. In Schedule 6— (a) in Part I, the entries relating to section 373(4) of the 1894 Act, and in Part II, the entry relating to section 44(11) of the 1894 Act. (b) in Part VI, paragraph 1.
1983 c.13.	Merchant Shipping Act 1983.	In section 5(5), the word "book". Section 6.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force on 1st April 1989 Part I of the Merchant Shipping Act 1988 together with the associated Schedule 1 (which amends Part I of the Merchant Shipping Act 1894), and consequential amendments and repeals in Schedules 5, 6, 7 and 8.

These provisions provide for a major revision of the system of registration of British merchant ships, and repeal the requirement under section 85 of the Merchant Shipping Act 1894 to levy dues on space occupied by deck cargo. The power to exempt from marking requirements (contained in section 7(2) of the Merchant Shipping Act 1894) is saved in relation to classes of ships in respect of which it has previously been exercised.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Merchant Shipping Act 1988 have been brought into force by commencement orders made before the date of this Order:—

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
s.4(6)	1.12.88	1988/1907
s.11	4.7.88	1988/1010
ss.12–25, Sch. 2 and Sch. 3	1.12.88	See s.58(3) and S.I. 1988/1926
ss.26–33	4.7.88	1988/1010
ss.35–47	4.7.88	1988/1010
s.48 and Sch. 3 (partially)	4.7.88	1988/1010
ss.49–51	4.7.88	1988/1010
s.53	4.7.88	1988/1010
s.54 (partially)	1.12.88	1988/1907
ss.55 and 56	4.7.88	1988/1010
s.57(1)–(3)	4.7.88	1988/1010
s.57(4) and Sch. 6 (partially)	4.7.88	1988/1010
	1.12.88	1988/1907
s.57(5) and Sch. 7 (partially)	4.7.88	1988/1010
	1.12.88	1988/1907
s.58(1), (2), (3) and (5)	4.7.88	1988/1010
s.58(4) and Sch. 8 (partially)	4.7.88	1988/1010
	1.12.88	1988/1907

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