
STATUTORY INSTRUMENTS

1998 No. 1258

The Merchant Shipping (Convention on Limitation of Liability for Maritime Claims) (Amendment) Order 1998

Citation and commencement

1. This Order may be cited as the Merchant Shipping (Convention on Limitation of Liability for Maritime Claims) (Amendment) Order 1998 and shall come into force on the date, to be notified in the London, Edinburgh and Belfast Gazettes, on which the Protocol of 1996 to amend the Convention on Limitation of Liability for Maritime Claims 1976(1) enters into force in respect of the United Kingdom.

Interpretation

2. In this Order, unless the context otherwise requires—

“the Act” means the Merchant Shipping Act 1995;

“the Convention” means the Convention on Limitation of Liability for Maritime Claims, 1976(2).

Claims excepted from limitation

3. In the text of the Convention as set out in Part I of Schedule 7 to the Act, in Chapter I, for paragraph (a) of Article 3 there shall be substituted—

“(a) claims for salvage, including, if applicable, any claim for special compensation under Article 14 of the International Convention on Salvage 1989(3), as amended, or contribution in general average;”.

Limits of Liability

4. In the text of the Convention as set out in Part I of Schedule 7 to the Act, in Chapter II—

(a) for paragraph 1 of Article 6 there shall be substituted—

“1. The limits of liability for claims other than those mentioned in Article 7, arising on any distinct occasion, shall be calculated as follows:

(a) in respect of claims for loss of life or personal injury,

(i) 2 million Units of Account for a ship with a tonnage not exceeding 2,000 tons,

(ii) for a ship with a tonnage in excess thereof, the following amount in addition to that mentioned in (i):

for each ton from 2,001 to 30,000 tons, 800 Units of Account;

for each ton from 30,001 to 70,000 tons, 600 Units of Account; and

(1) Cm 3581.

(2) The text of the Convention is set out in Schedule 7 to the Act.

(3) The text of the Convention is set out in Schedule 11 to the Act.

- for each ton in excess of 70,000 tons, 400 Units of Account,
- (b) in respect of any other claims,
- (i) 1 million Units of Account for a ship with a tonnage not exceeding 2,000 tons,
- (ii) for a ship with a tonnage in excess thereof the following amount in addition to that mentioned in (i):
- for each ton from 2,001 to 30,000 tons, 400 Units of Account;
- for each ton from 30,001 to 70,000 tons, 300 Units of Account; and
- for each ton in excess of 70,000 tons, 200 Units of Account.”; and
- (b) for paragraph 1 of Article 7 there shall be substituted—

“1. In respect of claims arising on any distinct occasion for loss of life or personal injury to passengers of ship, the limit of liability of the shipowner thereof shall be an amount of 175,000 Units of Account multiplied by the number of passengers which the ship is authorised to carry according to the ship’s certificate.”.

Scope of application of Convention

5. In the text of the Convention as set out in Part I of Schedule 7 to the Act, in Article 15—

- (a) the existing text shall be numbered 1; and
- (b) at the end there shall be added the following paragraphs—

“2. A State Party may regulate by specific provisions of national law the system of limitation of liability to be applied to vessels which are:

- (a) according to the law of that State, ships intended for navigation on inland waterways;
- (b) ships of less than 300 tons.

A State Party which makes use of the option provided for in this paragraph shall inform the depositary of the limits of liability adopted in its national legislation or of the fact that there are none.

3bis. Notwithstanding the limit of liability prescribed in paragraph 1 of article 7, a State Party may regulate by specific provisions of national law the system of liability to be applied to claims for loss of life or personal injury to passengers of a ship, provided that the limit of liability is not lower than that prescribed in paragraph 1 of article 7. A State Party which makes use of the option provided for in this paragraph shall inform the Secretary-General of the limits of liability adopted or of the fact that there are none.”.

Reservations permitted under the Convention

6. In Part I of Schedule 7 there shall be added at the end the following—

“ARTICLE 18

Reservations

1. Any State may, at the time of signature, ratification, acceptance, approval or accession, or at any time thereafter, reserve the right:

- (a) to exclude the application of article 2, paragraphs 1(d) and (e);

- (b) to exclude claims for damage within the meaning of the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996(4) or of any amendment or Protocol thereto.

No other reservations shall be admissible to the substantive provisions of this Convention.”.

Amendments to provisions which have effect in connection with the Convention

7. In Part II of Schedule 7 to the Act (provisions having effect in connection with the Convention)

- (a) at the beginning of paragraph 2 there shall be inserted “Subject to paragraph 6 below,”;
- (b) before paragraph 3 there shall be inserted—

“**2A.** Paragraph 1(a) of article 2 shall have effect as if the reference to “loss of life or personal injury” did not include a reference to loss of life or personal injury to passengers of seagoing ships.”;

- (c) in paragraph 4, for sub-paragraph (1) there shall be substituted—

“**4.**—(1) Claims for damage within the meaning of the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea 1996(5), or any amendment of or Protocol to that Convention, which arise from occurrences which take place after the coming into force of the first Order in Council made by Her Majesty under section 182B of this Act shall be excluded from the Convention.”;

- (d) in paragraph 5, in sub-paragraph (1)(a) for “166,667” there shall be substituted “1,000,000” and in sub-paragraph (1)(b) for “83,333” there shall be substituted “500,000”;
- (e) in paragraph 6, for sub-paragraph (1) there shall be substituted—

“**6.**—(1) Article 7 shall not apply in respect of any seagoing ship; and shall have effect in respect of any ship which is not seagoing as if, in paragraph 1 of that article—

- (a) after “thereof” there were inserted “in respect of each passenger,”;
- (b) the words from “multiplied” onwards were omitted.”.

- (f) for paragraph 13 there shall be substituted—

“**13.** An Order in Council made for the purposes of this paragraph and declaring that any State specified in the Order is a party to the Convention as amended by the 1996 Protocol shall, subject to the provisions of any subsequent Order made for those purposes, be conclusive evidence that the State is a party to the Convention as amended by the 1996 Protocol.”.

8. The Schedule to this Order contains the text of Schedule 7 to the Act as amended by Articles 3 to 7 of this Order.

N. H. Nicholls
Clerk of the Privy Council

(4) The text of the Convention is set out in Schedule 5A to the Act.

(5) The text of the Convention is set out in Schedule 5A to the Act.