

# Merchant Shipping and Maritime Security Act 1997 (c. 28)

1997 Chapter 28

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## Merchant Shipping and Maritime Security Act 1997 (c. 28)

1997 Chapter 28

### ARRANGEMENT OF SECTIONS

#### *Extension of powers to deal with emergencies at sea*

##### Section

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SCHEDULES:

- Sched Amendments of Merchant Shipping Act 1995 relating to inspection  
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- Sched Funding of maritime services.  
ule 2
- Sched Provisions to be inserted as Schedule 5A to the Merchant Shipping  
ule 3 Act 1995.
- Sched Amendments of Part III of Aviation and Maritime Security Act 1990.  
ule 4
- Sched Provisions of United Nations Convention on the Law of the Sea to be  
ule 5 treated as part of the law of nations.
- Sched Minor and consequential amendments.  
ule 6
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ule 7
- Part I- Repeals.
- Part II- Revocations.

An Act to amend the Merchant Shipping Act 1995; to extend the powers of fire authorities to use fire brigades and equipment at sea; to make further provision about the protection of wrecks; to amend Part III of the Aviation and Maritime Security Act 1990; to make provision about piracy; to provide for the continuing application to the International Oil Pollution Compensation Fund of section 1 of the International Organisations Act 1968; to make provision about the International Tribunal for the Law of the Sea; and for connected purposes.

[19th March 1997]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:-

Extension of powers to deal with emergencies at sea

Temporary exclusion zones. 1. In the Merchant Shipping Act 1995 (in this Act referred to as "the 1995 Act"), after section 100 there is inserted-

"Temporary exclusion zones

Power to establish temporary exclusion zones. 100A. - (1) Subsection (2) below applies where a ship, structure or other thing-

(a) is in United Kingdom waters or a part of the sea specified by virtue of section 129(2)(b); and

(b) is wrecked, damaged or in distress;  
and in this section and section 100B "the relevant casualty" means that ship, structure or other thing.

(2) If it appears to the Secretary of State-

(a) that significant harm will or may occur as a direct or indirect result of the relevant casualty being wrecked, damaged or in distress, and

(b) that if access to an area around the relevant casualty were restricted in accordance with section 100B, significant harm, or the risk of such harm, would be prevented or reduced,

he may by direction identify an area to which access is so restricted ("a temporary exclusion zone").

(3) In this section "significant harm" means-

(a) significant pollution in the United Kingdom, in United Kingdom waters or in a part of the sea specified by virtue of section 129(2)(b); or

(b) significant damage to persons or property.

(4) A temporary exclusion zone may not include any area which is neither within United Kingdom waters nor within a part of the sea specified by virtue of section 129(2)(b).

(5) If it appears to the Secretary of State at any time after a temporary exclusion zone is established that the zone is larger than is needed for the purpose of preventing or reducing

significant harm, or the risk of such harm, he shall by direction vary the direction establishing the zone accordingly.

(6) Subject to subsections (4) and (5) above, a temporary exclusion zone may be identified by reference to the position of the relevant casualty from time to time.

(7) If it appears to the Secretary of State at any time after a temporary exclusion zone is established that the zone is not needed for the purpose of preventing or reducing significant harm, or the risk of such harm, he shall by direction revoke the direction establishing the zone.

(8) Where the Secretary of State gives a direction under this section, he shall-

(a) as soon as practicable, publish it in such manner as he considers appropriate for bringing it to the attention of persons likely to be affected by it; and

(b) within the period of 24 hours from the giving of the direction, send a copy of it to the International Maritime Organization.

(9) Subsection (2) above does not apply where an order under section 2 of the Protection of Wrecks Act 1973 has effect in relation to the relevant casualty.

Temporary exclusion zones: offences 100B. - (1) If a direction establishing a temporary exclusion zone contains a statement of a description mentioned in subsection (2) below, then, subject to subsection (4) below, no ship shall enter or remain in the zone.

(2) The statement is one to the effect that the direction is given for the purpose of preventing or reducing significant pollution, or the risk of significant pollution, in the United Kingdom, in United Kingdom waters or in a part of the sea specified by virtue of section 129(2)(b).

(3) If a direction establishing a temporary exclusion zone does not contain a statement of a description mentioned in subsection (2) above, then, subject to subsections (4) and (5) below-

(a) no ship shall enter or remain in any part of the zone that is in United Kingdom waters; and

(b) no United Kingdom ship shall enter or remain in any part of the zone that is in a part of the sea specified by virtue of section 129(2)(b).

(4) A ship may enter or remain in a temporary exclusion zone or a part of such a zone if it does so-

(a) in accordance with the direction establishing the zone;

(b) with the consent of the Secretary of State; or

(c) in accordance with regulations made by the Secretary of State for the purposes of this section.

(5) A qualifying foreign ship may enter a temporary exclusion zone or a part of such a zone if in doing so it is exercising the right of transit passage through straits used for international navigation.

(6) If a ship enters or remains in a temporary exclusion zone or a part of such a zone in contravention of subsection (1) or (3) above then, subject to subsection (7) below, its owner and its master shall each be guilty of an offence and liable-

(a) on summary conviction, to a fine not exceeding £50,000;  
(b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

(7) It shall be a defence for a person charged with an offence under this section to prove that the existence or area of the temporary exclusion zone was not, and would not on reasonable enquiry have become, known to the master."

Powers of intervention where shipping accident threatens pollution. 2. - (1) Section 137 of the 1995 Act (powers of Secretary of State to give directions and take other action where a shipping accident threatens pollution on a large scale in the United Kingdom or in United Kingdom waters) is amended in accordance with subsections (2) to (4).

(2) In subsection (1)(b) for "cause pollution on a large scale in the United Kingdom or United Kingdom waters" there is substituted "cause significant pollution in the United Kingdom, United Kingdom waters or a part of the sea specified by virtue of section 129(2)(b)".

(3) In subsection (2)-

(a) after sub-paragraph (b) there is inserted-  
"(bb) to any pilot of the ship, or"; and

(b) at the end there is inserted "or

(d) where the ship is in waters which are regulated or managed by a harbour authority-  
(i) to the harbour master, or  
(ii) to the harbour authority."

(4) In subsection (9)-

(a) for the definition of "accident" there is substituted-  
""accident" means a collision of ships, stranding or other incident of navigation, or other occurrence on board a ship or external to it resulting in material damage or imminent threat of material damage to a ship or cargo;"; and

(b) after the definition of "owner" there is inserted-

""pilot" means any person not belonging to a ship who has the conduct of the ship;".

(5) In section 141 of the 1995 Act (application of sections 137 to 140 etc. to certain ships which are outside United Kingdom waters), in subsections (1)(b) and (3), for "outside United Kingdom waters" there is substituted "neither within United Kingdom waters nor within a part of the sea specified by virtue of section 129(2)(b)".

(6) Nothing in this section affects-

(a) any Order in Council which, immediately before the commencement of this section, has effect under section 141(1) of the 1995 Act; or

(b) any Order in Council or instrument which, immediately before the commencement of this section, has effect under any other provision of the 1995 Act and which applies section 137 of the 1995 Act.

Powers of intervention in cases of pollution by substances other than oil. 3. - (1) After section 138 of the 1995 Act there is inserted-

"Application of sections 137 and 138 to pollution by substances other than oil. 138A. - (1) In sections 137 and 138, any reference to oil pollution includes a reference to pollution by any other substance which-

(a) is prescribed by the Secretary of State by order for the purposes of this section, or  
(b) although not so prescribed, is liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea.

(2) Accordingly, any reference in those sections to oil includes a reference to any substance falling within subsection (1)(a) or (b) above."

(2) Nothing in this section affects-

(a) so much of any Order in Council as, immediately before the commencement of this section, has effect under section 141(1) of the 1995 Act; or

(b) any Order in Council or instrument which, immediately before the commencement of this section, has effect under any other provision of the 1995 Act and which applies sections 137 and 138 of the 1995 Act.

Powers of fire authorities. 4. In section 3 of the Fire Services Act 1947 (supplementary powers of fire authorities), in subsection (1), after paragraph (d) there is inserted-

"(dd) to employ the fire brigade maintained by them, or use any equipment so maintained, at sea (whether or not within the territorial sea of the United Kingdom);".

*Pollution control and marine safety* Waste reception facilities at harbours. 5. In Part VI of the 1995 Act (prevention of pollution), after Chapter I there is inserted-

"CHAPTER IA

WASTE RECEPTION FACILITIES AT HARBOURS

General.

130A. - (1) The Secretary of State may by regulations make such provision as he considers appropriate in relation to-

(a) the provision at harbours in the United Kingdom of facilities for the reception of waste from ships (in this Chapter referred to as "waste reception facilities"); and

(b) the use of waste reception facilities provided at such harbours.

(2) In making the regulations, the Secretary of State shall take into account the need to give effect to provisions-

- (a) which are contained in any international agreement mentioned in section 128(1) which has been ratified by the United Kingdom; and
  - (b) which relate to waste reception facilities.
- (3) Sections 130B to 130D make further provision with respect to the regulations that may be made under this section.

Waste management plans.

130B. - (1) The regulations may make provision requiring a harbour authority for a harbour in the United Kingdom-

- (a) in such circumstances as may be prescribed, to prepare a plan with respect to the provision and use of waste reception facilities at the harbour; and
  - (b) to submit the plan to the Secretary of State for approval.
- (2) The regulations may make provision requiring a person-
- (a) if directed to do so by the Secretary of State, to prepare a plan with respect to the provision and use of waste reception facilities at any terminals operated by him within a harbour which is in the United Kingdom and is specified in the direction; and
  - (b) to submit the plan to the Secretary of State for approval.
- (3) For the purposes of this Chapter-
- (a) "terminal" means any terminal, jetty, pier, floating structure or other works within a harbour at which ships can obtain shelter or ship and unship goods or passengers; and
  - (b) a person operates a terminal if activities at the terminal are under his control.
- (4) In the following provisions of this section, "waste management plan" means a plan of a description mentioned in subsection (1) or (2) above.
- (5) The regulations may make provision with respect to the form and content of waste management plans and may in particular require such plans to include-
- (a) proposals as to the information to be provided about waste reception facilities to those who are expected to use them;
  - (b) proposals designed to ensure that adequate provision will be made for the disposal of waste deposited in waste reception facilities; and
  - (c) proposals about how costs incurred in establishing and running waste reception facilities will be recovered.
- (6) The regulations may require a person preparing a waste management plan to have regard to such matters as the Secretary of State may prescribe or in a particular case direct.
- (7) The regulations may make provision as to the procedures to be followed in connection with waste management plans and may in particular-
- (a) require a person preparing a waste management plan to consult such persons as the Secretary of State may prescribe or in a particular case direct;

Charges for and use of waste reception facilities.

- (b) enable the Secretary of State to approve waste management plans with or without modification or to reject such plans;
  - (c) enable the Secretary of State, if he is satisfied that a person who is required to prepare a waste management plan is not taking any steps necessary in connection with the preparation of the plan, to prepare such a plan;
  - (d) require harbour authorities and persons operating terminals to implement waste management plans once approved, or to take such steps as the Secretary of State may in a particular case direct for the purpose of securing that approved plans are implemented;
  - (e) enable waste management plans, in such circumstances as may be prescribed, to be withdrawn, altered or replaced.
- 130C. - (1) The regulations may make provision enabling a statutory harbour authority, on levying ship, passenger and goods dues, to impose charges for the purpose of recovering the whole or a part of the costs of the provision by or on behalf of the authority of waste reception facilities at the harbour.
- (2) The regulations may make provision requiring the master of a ship-
- (a) if reasonably required to do so by a Departmental officer, or
  - (b) in such other circumstances as may be prescribed,
- to deposit any waste carried by the ship, or any prescribed description of such waste, in waste reception facilities provided at a harbour in the United Kingdom.
- (3) The regulations may make provision-
- (a) for the reference to arbitration of questions as to whether requirements made under regulations made in pursuance of subsection (2)(a) above were reasonable, and
  - (b) for compensation to be payable by the Secretary of State where a requirement is found to have been unreasonable.
- (4) The regulations may make-
- (a) provision prohibiting the imposition by persons providing waste reception facilities at harbours in the United Kingdom of charges for the depositing of waste, or any prescribed description of waste, in the facilities; or
  - (b) provision authorising the imposition by such persons of such charges subject to such restrictions as may be prescribed.
- (5) The regulations may provide for charges to be imposed by virtue of subsection (4)(b) above-
- (a) even though the charges are for the depositing of waste in compliance with a requirement imposed by virtue of subsection (2) above; and
  - (b) even though charges are also imposed by virtue of subsection (1) above.
- (6) Subsections (7) to (9) below apply if the regulations make provision enabling a statutory harbour authority to impose charges of a description mentioned in subsection (1) above.



(7) The regulations may require information about the charges to be published in a way that is designed to bring the charges to the notice of persons likely to be affected.

(8) The regulations may provide for the charges to be reduced at the instance of the Secretary of State following the making of an objection by a person of a prescribed description.

(9) Regulations made by virtue of subsection (8) above may in particular make provision which corresponds to that made by section 31(3) to (12) of the Harbours Act 1964.

(10) The regulations may make provision as to the recovery of any charges imposed by virtue of this section.

Supplementary.

130D. - (1) The regulations may provide that where a person contravenes a requirement under the regulations he is guilty of an offence and is liable-

(a) on summary conviction, to a fine not exceeding the statutory maximum, and

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

(2) The regulations may-

(a) provide for exemptions from any provision of the regulations;

(b) provide for references in the regulations to any specified document to operate as references to that document as revised or re-issued from time to time;

(c) make different provision for different cases;

(d) include such incidental, supplemental and transitional provision as appears to the Secretary of State to be expedient.

(3) Regulations under section 130A which contain any provision of a description mentioned in section 130C (whether or not they also contain other provision) shall not be made unless a draft of the statutory instrument containing the regulations has been laid before and approved by a resolution of each House of Parliament.

(4) A statutory instrument containing regulations under section 130A to which subsection (3) above does not apply (including regulations which revoke provision of a description mentioned in section 130C but do not contain any other provision made by virtue of section 130C) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Interpretation of  
Chapter IA.

130E. In this Chapter-

"prescribe" means prescribe by regulations;

"ship, passenger and goods dues" has the same meaning-

(a) in relation to Great Britain, as in the Harbours Act 1964; and

(b) in relation to Northern Ireland, as in the Harbours Act

(Northern Ireland) 1970;  
"waste reception facilities" has the meaning given by section 130A(1)."

Indemnities in connection with counter-pollution measures. **6.** In section 293 of the 1995 Act (functions of Secretary of State in relation to marine pollution), after subsection (4) there is inserted-  
"(4A) Where under subsection (1) above the Secretary of State agrees that another person shall take any measures to prevent, reduce or minimise the effects of marine pollution, he may agree to indemnify that other person in respect of liabilities incurred by that person in connection with the taking of the measures."

Increased penalty for causing pollution, etc. **7.** - (1) In section 131(3)(a) of the 1995 Act (fine on summary conviction of offence of discharging oil into certain United Kingdom waters), for "£50,000" there is substituted "£250,000".

(2) Subsection (1) applies in relation to fines imposed in respect of offences committed after the commencement of this section.

(3) In section 144(4)(c)(i) and (ii) of the 1995 Act (security for release of ship in case where offence under section 131 suspected) for "£55,000", in both places where it occurs, there is substituted "£255,000".

(4) Subsection (3) applies in relation to ships detained after the commencement of this section.

(5) Nothing in this section affects any Order in Council or instrument which is in force immediately before the commencement of this section and which-

(a) applies section 131(3) of the 1995 Act; or

(b) makes provision corresponding to that made in connection with offences under section 131 by section 144(4) of the 1995 Act.

(6) Subsection (7) applies where immediately before the commencement of this section there is in force any Order in Council made under section 128(1) of the 1995 Act that confers power by any instrument made under the Order-

(a) to apply section 131(3) of the 1995 Act; or

(b) to make provision corresponding to that made in connection with offences under section 131 by section 144(4) of the 1995 Act.

(7) The power conferred by the Order in Council shall be construed as a power to apply section 131(3) as amended by subsection (1) or (as the case may be) to make provision corresponding to that made by section 144(4) as amended by subsection (3).

Safety regulations. **8.** - (1) Section 85 of the 1995 Act (safety and health on ships) is amended as mentioned in subsections (2) to (5).

(2) In subsection (1), for paragraphs (b) and (c) and the words following paragraph (c) there is substituted-

"(b) for securing the safety of other ships and persons on them while they are within United Kingdom waters and for protecting the health of persons on ships other than United Kingdom ships while they are within United Kingdom waters."

(3) After subsection (1) there is inserted-

"(1A) Except as provided by subsection (1B) below, safety regulations shall not apply in relation to-

(a) a qualifying foreign ship while it is exercising-

- (i) the right of innocent passage; or
- (ii) the right of transit passage through straits used for international navigation; or
- (b) persons on such a ship while it is exercising any such right.

(1B) Safety regulations shall apply in relation to a qualifying foreign ship, and persons on such a ship, even though the ship is exercising a right mentioned in subsection (1A)(a) above, to the extent that the safety regulations give effect to any provisions of an international agreement ratified by the United Kingdom so far as it relates to the safety of ships or persons on them or to the protection of the health of persons on ships."

(4) In subsection (3)-

(a) the words from "and regulations" to "relates to safety" are omitted; and

(b) for "paragraph (a), (b) or (c)" there is substituted "paragraph (a) or (b)".

(5) In subsection (4) for "subsection (1)(a)" there is substituted "subsection (1)".

(6) Section 86(5) and (6) of the 1995 Act (under which certain safety regulations are subject to affirmative resolution procedure) shall cease to have effect.

Inspection and detention of ships. **9.** Schedule 1 (amendments of the 1995 Act relating to the inspection and detention of ships) shall have effect.

Power to require ships to be moved. **10.** - (1) After section 100B of the 1995 Act (which is inserted by section 1 of this Act) there is inserted-

*"Power to require ships to be moved*

Power to require ships to be moved. 100C. - (1) The powers conferred by this section shall be exercisable where a ship in United Kingdom waters-

(a) is not a qualifying foreign ship, or

(b) is such a ship but appears to the Secretary of State to be exercising neither of the following rights-

(i) the right of innocent passage, and

(ii) the right of transit passage through straits used for international navigation.

(2) Subject to subsection (3) below, the Secretary of State may, for any one or more of the purposes specified in subsection (4) below, give directions to any of the persons specified in subsection (5) below requiring-

(a) that the ship is to be moved, or is to be removed from a specified area or locality or from United Kingdom waters, or

(b) that the ship is not to be moved to a specified place or area within United Kingdom waters, or over a specified route within United Kingdom waters.

(3) The power of the Secretary of State under subsection (2)(a) above to require a ship to be removed from United Kingdom waters is not exercisable in relation to a United Kingdom ship.

(4) The purposes referred to in subsection (2) above are-

(a) the purpose of securing the safety of the ship or of other ships, of persons on the ship or other ships, or of any other persons or property, or of preventing or reducing any risk to such safety, and

(b) the purpose of preventing or reducing pollution in the United Kingdom, in United Kingdom waters or in a part of the sea specified by virtue of section 129(2)(b), or of preventing or reducing any risk of such pollution.

(5) The persons referred to in subsection (2) above are-

- (a) the owner of the ship or any person in possession of the ship, or
- (b) the master of the ship.

(6) If in the opinion of the Secretary of State the powers conferred by subsection (2) above are, or have proved to be, inadequate for any of the purposes specified in subsection (4) above, the Secretary of State may for that purpose take any such action as he has power to require to be taken by a direction under this section.

(7) The powers of the Secretary of State under subsection (6) above shall also be exercisable by such persons as may be authorised for the purpose by the Secretary of State.

(8) Every person concerned with compliance with directions given, or with action taken, under this section shall use his best endeavours to avoid any risk to human life.

(9) It is hereby declared that any action taken as respects a ship which is under arrest or as respects the cargo of such a ship, being action duly taken in pursuance of a direction given under this section, or being any action taken under subsection (6) or (7) above-

- (a) does not constitute contempt of court; and
- (b) does not in any circumstances make the Admiralty Marshal liable in any civil proceedings.

(10) In this section-

- (a) unless a contrary intention appears, "specified" in relation to a direction under this section, means specified by the direction; and
- (b) the reference in subsection (9) above to the Admiralty Marshal includes a reference to the Admiralty Marshal of the Supreme Court of Northern Ireland.

Offences in relation to section 100C. 100D. - (1) If the person to whom a direction is duly given under section 100C contravenes, or fails to comply with, any requirement of the direction, he shall be guilty of an offence.

(2) If a person intentionally obstructs any person who is-

- (a) acting on behalf of the Secretary of State in connection with the giving or service of a direction under section 100C;
- (b) acting in compliance with a direction under that section; or
- (c) acting under section 100C(6) or (7);

he shall be guilty of an offence.

(3) In proceedings for an offence under subsection (1) above, it shall be a defence for the accused to prove that he has used all due diligence to ensure compliance with the direction, or that he had reasonable cause for believing that compliance with the direction would have involved a serious risk to human life.

(4) A person guilty of an offence under this section shall be liable-

(a) on summary conviction, to a fine not exceeding £50,000;

(b) on conviction on indictment, to a fine.

Service of  
directions under  
section 100C.

100E. - (1) If the Secretary of State is satisfied that a company or other body is not one to which section 695 or section 725 of the Companies Act 1985 (service of notices) applies so as to authorise the service of a direction on that body under either of those sections, he may give a direction under section 100C of this Act to that body, as the owner of, or the person in possession of, a ship, by serving the direction on the master of the ship.

(2) For the purpose of giving or serving a direction under section 100C to or on any person on a ship, a person acting on behalf of the Secretary of State shall have the right to go on board the ship.

(3) In the application of subsection (1) above to Northern Ireland, for references to sections 695 and 725 of the Companies Act 1985 there shall be substituted references to Articles 645 and 673 of the Companies (Northern Ireland) Order 1986."

Ships receiving trans-shipped fish. **11.** After section 100E of the 1995 Act (which is inserted by section 10 of this Act) there is inserted-

"Requirements to be met by ships in respect of which trans-shipment licences in force.

100F. - (1) In this section and section 100G "trans-shipment licence" means a licence under section 4A of the Sea Fish Conservation Act 1967 (prohibition of trans-shipment of fish unless authorised by a licence).

(2) The Secretary of State may, for all or any of the purposes specified in subsection (3) below, by regulations prescribe requirements to be met by ships in respect of which trans-shipment licences are in force.

(3) Those purposes are-

(a) the purpose of securing the safety of ships in respect of which trans-shipment licences are in force and persons on them,

(b) the purpose of protecting the health of persons on such ships,

(c) the purpose of securing the safety of any other persons or property, and

(d) the purpose of preventing or reducing pollution.

(4) The matters with respect to which requirements may be prescribed under subsection (2) above include, in particular, the construction and equipment of ships, the manning of

ships, and operational matters.

(5) Without prejudice to the generality of subsection (2) above, regulations under that subsection may apply in relation to a ship in respect of which a trans-shipment licence is in force any requirements contained in-

- (a) safety regulations,
- (b) regulations under section 128, or
- (c) any international agreement,

whether or not those requirements would otherwise apply in relation to that ship.

Failure to comply with prescribed standards in respect of ship in respect of which trans-shipment licence is in force.

100G. - (1) If it appears to the Secretary of State that any requirement of regulations under section 100F(2) or regulations under section 192A is being contravened in respect of a ship in respect of which a trans-shipment licence is in force, he may serve on the master a notice under subsection (2) below.

(2) A notice under this subsection must specify the contravention by reason of which it is given and must-

- (a) prohibit the receiving by the ship of fish trans-shipped from another ship,
- (b) prohibit the processing of fish on the ship, or
- (c) prohibit both such receiving and such processing.

(3) The Secretary of State shall revoke a notice under subsection (2) above if he is satisfied that the contravention specified in it has been remedied.

(4) If a trans-shipment licence ceases to be in force in respect of a ship to which a notice under subsection (2) above relates, the notice is revoked by virtue of this subsection.

(5) If without reasonable excuse the master of a ship causes or permits any prohibition imposed by a notice under subsection (2) above to be contravened in respect of the ship, he shall be liable-

- (a) on summary conviction, to a fine not exceeding £50,000;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both.

(6) The obligation imposed by regulations under section 100F(2) shall not be enforceable except in accordance with this section, but this subsection does not limit the powers conferred by section 258."

Preparation of plans under International Convention on Oil Pollution Preparedness, Response and Co-operation.

**12.** In section 128 of the 1995 Act (prevention of pollution from ships etc.) after subsection (3) there is inserted-

"(3A) An order under subsection (1) above in pursuance of paragraph (d) of that subsection may include provision imposing on local authorities responsibilities in relation to the preparation, review and implementation of any plans required by the agreement mentioned in that paragraph."

*Funding of maritime services* Funding of maritime services. **13.** Schedule 2 (funding of maritime services) shall have effect.

*Liability and compensation* Carriage of hazardous and noxious substances. **14.** - (1) In Part VI of the 1995 Act (prevention of pollution), after Chapter IV there is inserted-

"CHAPTER V

CARRIAGE OF HAZARDOUS AND NOXIOUS SUBSTANCES

Introductory.

182A. - (1) In this Chapter, unless the context otherwise requires, "the Convention" means the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea 1996.

(2) The text of the Convention, excluding the annexes, is set out in Schedule 5A.

(3) In interpreting the definition of "hazardous and noxious substances" in Article 1, paragraph 5 of the Convention, any reference in that paragraph to a particular convention or code as amended shall be taken to be a reference to that convention or code as amended from time to time (whether before or after the commencement of this Chapter).

Power to give effect to Convention. 182B. - (1) Her Majesty may by Order in Council make such provision as She considers appropriate for the purpose of giving effect to-

- (a) the Convention on or after its ratification by the United Kingdom; or
- (b) any revision of the Convention which appears to Her Majesty in Council to have been agreed to by the Government of the United Kingdom.

(2) The power conferred by subsection (1) above to make provision for the purpose of giving effect to the Convention or an agreement revising the Convention includes power to provide for the provision to come into force even though the Convention or the agreement has not come into force.

(3) Without prejudice to the generality of subsection (1) above, an Order under that subsection may include provision-

- (a) requiring contributions to be paid in accordance with the Convention to the International Hazardous and Noxious Substances Fund established under the Convention;
- (b) for applying for the purpose mentioned in subsection (1) above any enactment or instrument relating to the pollution of the sea or other waters (including provisions creating offences) with such modifications, if any, as

may be prescribed by the Order;

(c) making such modifications of any enactment or instrument (including, where the Order is made under paragraph (b) of that subsection, modifications of Schedule 5A and section 182C) as appear to Her Majesty to be appropriate for the purpose specified in that subsection;

(d) with respect to the application of the Order to the Crown;

(e) for detaining any ship in respect of which a contravention of a provision made by or under the Order is suspected to have occurred and, in relation to such a ship, for applying section 284 with such modifications, if any, as are prescribed by the Order;

(f) for a certificate issued by or on behalf of the Secretary of State and stating that at a particular time a particular substance was, or was not, a hazardous or noxious substance for the purposes of the Convention to be conclusive evidence of that matter.

(4) An Order under subsection (1) above may-

(a) make different provision for different circumstances;

(b) make provision for references in the Order to any specified document to operate as references to that document as revised or re-issued from time to time;

(c) provide for the delegation of functions exercisable by virtue of the Order;

(d) include such incidental, supplemental and transitional provisions as appear to Her Majesty to be expedient for the purposes of the Order; and

(e) authorise the making of regulations for the purposes of this section (except the purposes of subsection (3)(a), (b) and (c) above).

(5) A draft of an Order in Council proposed to be made by virtue of this section shall not be submitted to Her Majesty in Council unless it has been approved by a resolution of each House of Parliament.

Power of Secretary of State to make orders.

182C. - (1) The Secretary of State may by order make such amendments of Schedule 5A and any Order in Council under section 182B(1) as appear to him to be appropriate for the purpose of giving effect to any amendment of a relevant limit which is adopted in accordance with article 48 of the Convention.

(2) In subsection (1) above, "a relevant limit" means any of the limits for the time being specified in article 9, paragraph 1 and article 14, paragraph 5 of the Convention."

(2) After Schedule 5 to the 1995 Act there is inserted, as Schedule 5A to that Act, the provision set out in Schedule 3.

Limitation of liability. **15.** - (1) In section 185 of the 1995 Act (limitation of liability for maritime claims), after subsection (2) there is inserted-

"(2A) Her Majesty may by Order in Council make such modifications of Parts I and II of Schedule 7 as She considers appropriate in consequence of the revision of the Convention by the Protocol of 1996 amending the Convention (in this section referred to as "the 1996 Protocol").

(2B) If it appears to Her Majesty in Council that the Government of the United Kingdom has agreed to any further revision of the Convention or to any revision of article 8 of the 1996



Protocol, She may by Order in Council make such modifications of Parts I and II of Schedule 7 and subsections (2C) and (2D) below as She considers appropriate in consequence of the revision.

(2C) The Secretary of State may by order make such amendments of Parts I and II of Schedule 7 as appear to him to be appropriate for the purpose of giving effect to any amendment of a relevant limit which is adopted in accordance with article 8 of the 1996 Protocol.

(2D) In subsection (2C) above "a relevant limit" means any of the limits for the time being specified in either of the following provisions of the Convention-

(a) article 6, paragraph 1, and

(b) article 7, paragraph 1.

(2E) No modification made by virtue of subsection (2A), (2B) or (2C) above shall affect any rights or liabilities arising out of an occurrence which took place before the day on which the modification comes into force."

(2) After subsection (4) of that section there is inserted-

"(5) A draft of an Order in Council proposed to be made by virtue of subsection (2A) or (2B) above shall not be submitted to Her Majesty in Council unless it has been approved by a resolution of each House of Parliament."

Compulsory insurance. **16.** In Part VII of the 1995 Act, after section 192 there is inserted-

*"Regulations requiring insurance or security*  
Compulsory insurance or security 192A. - (1) Subject to subsections (2) and (3) below, the Secretary of State may make regulations requiring that, in such cases as may be prescribed by the regulations, while a ship is in United Kingdom waters, there must be in force in respect of the ship-

(a) a contract of insurance insuring such person or persons as may be specified by the regulations against such liabilities as may be so specified and satisfying such other requirements as may be so specified, or

(b) such other security relating to those liabilities as satisfies requirements specified by or under the regulations.

(2) Regulations under this section shall not apply in relation to-

(a) a qualifying foreign ship while it is exercising-

(i) the right of innocent passage, or

(ii) the right of transit passage through straits used for international navigation,

(b) any warship, or

(c) any ship for the time being used by the government of any State for other than commercial purposes.

(3) Regulations under this section may not require insurance or security to be maintained in respect of a ship in relation to any liability in any case where an obligation to maintain insurance or security in respect of that ship in relation to that liability is imposed by section 163 or by or under an Order in Council under section

182B.

(4) Regulations under this section may require that, where a person is obliged to have in force in respect of a ship a contract of insurance or other security, such documentary evidence as may be specified by or under the regulations of the existence of the contract of insurance or other security must be carried in the ship and produced on demand, by such persons as may be specified in the regulations, to such persons as may be so specified.

(5) Regulations under this section may provide-

(a) that in such cases as are prescribed a ship which contravenes the regulations shall be liable to be detained and that section 284 shall have effect, with such modifications (if any) as are prescribed by the regulations, in relation to the ship,

(b) that a contravention of the regulations shall be an offence punishable on summary conviction by a fine of an amount not exceeding £50,000, or such less amount as is prescribed by the regulations, and on conviction on indictment by a fine, and

(c) that any such contravention shall be an offence punishable only on summary conviction by a fine of an amount not exceeding £50,000, or such less amount as is prescribed by the regulations.

(6) Regulations under this section may-

(a) make different provision for different cases,

(b) make provision in terms of any document which the Secretary of State or any person considers relevant from time to time, and

(c) include such incidental, supplemental and transitional provision as appears to the Secretary of State to be expedient for the purposes of the regulations."

*Miscellaneous amendments of Merchant Shipping Act 1995* Financial assistance for training. **17.** In section 56 of the 1995 Act (financial assistance for training), after subsection (3) there is inserted-

"(4) In providing assistance in accordance with this section the Secretary of State shall have regard to the maintenance and development of the United Kingdom's merchant fleet and marine related business and for that purpose shall-

(a) keep under review all aspects of that fleet and business; and

(b) seek the advice of those who appear to him to have experience of that fleet or business.

(5) In this section, "marine related business" means any trade, business or other activity concerned with the manufacture of, or the provision of goods and services for, or the operation or use of, ships and includes maritime educational establishments, marine classification societies, marine equipment suppliers, marine surveyors, marine and naval architects, marine insurance companies, protection and indemnity clubs, providers of maritime financial or legal services, the operators of ports and harbours and shipbrokers."

Discharge books. **18.** - (1) In section 80 of the 1995 Act (discharge books), in subsection (1) for paragraph (a) there is substituted-

- "(a) for the issue of discharge books-
  - (i) to persons who are or have been employed in United Kingdom ships; or
  - (ii) to persons who are or have been employed in other ships but are not aliens within the meaning of the British Nationality Act 1981;
- (aa) for requiring the persons mentioned in paragraph (a) above to apply for discharge books;
- (ab) for the form of discharge books and the particulars (if any) that they are to contain with respect to their holders;"

(2) In the words after paragraph (d) of that subsection, for "paragraph (a)" there is substituted "paragraph (a), (aa) or (ab)".

Powers of general lighthouse authorities. **19.** - (1) In section 197 of the 1995 Act (powers of general lighthouse authority), in subsection (7), after "sell" there is inserted "or lease".

(2) After that subsection there is inserted-

"(8) Where it appears to a general lighthouse authority that any asset of theirs which is held in connection with the discharge of their functions under section 195 has spare capacity, they may, with the consent of the Secretary of State, enter into an agreement for the purpose of exploiting that spare capacity.

(9) For the purposes of subsection (8) above an asset has spare capacity if-

- (a) during any period there are times (or there is a time) when it is not needed in connection with the discharge of the general lighthouse authority's functions under section 195;
- (b) there is any period when it is not being used to its full capacity in connection with the discharge of those functions; or
- (c) it has ceased to be used in connection with the discharge of those functions but it is not for the time being expedient to realise the asset.

(10) Any consent under subsection (8) above may be given-

- (a) unconditionally or subject to conditions; and
- (b) in relation to a particular case or in relation to such description of cases as may be specified in the consent.

(11) A general lighthouse authority shall send to the Secretary of State a copy of every agreement entered into by them by virtue of subsection (8) above."

Disclosure of information to general lighthouse authorities. **20.** Before section 223 of the 1995 Act there is inserted-

"Disclosure of information to general lighthouse authorities. 222A. - (1) No obligation as to secrecy or other restriction on the disclosure of information (whether imposed by statute or otherwise) shall prevent a Minister of the Crown or a Northern Ireland department from disclosing-

- (a) to a general lighthouse authority, or
  - (b) to a person appointed by a general lighthouse authority to collect general light dues,
- information for the purpose of enabling or assisting the authority to discharge their functions under this Part.

(2) Information obtained by any person by virtue of subsection (1) above shall not be disclosed by him to any other person except where the

disclosure is made-

- (a) to a general lighthouse authority or a person appointed by such an authority to collect general light dues; or
- (b) for the purposes of any legal proceedings arising out of this Part."

Certain duties not to apply to RNLI. **21.** - (1) In section 233 of the 1995 Act (powers of receiver in case of vessel in distress), at the beginning of subsection (1) there is inserted "Subject to subsection (1A) below,".

(2) After that subsection there is inserted-

"(1A) The receiver may not under subsection (1) above impose any requirement on the master or other person having the charge of a vessel owned or operated by the Royal National Lifeboat Institution."

Disposal of unclaimed wreck. **22.** - (1) Section 240 of the 1995 Act (immediate sale of wreck in certain cases) is amended as follows.

(2) After subsection (1) there is inserted-

"(1A) The receiver may also sell any wreck in his possession before the end of the year referred to in section 239(1) if-

- (a) in his opinion it is unlikely that any owner will establish a claim to the wreck within that year; and
- (b) no statement has been given to the receiver under section 242(1) in relation to the place where the wreck was found."

(3) At the beginning of subsection (2) there is inserted "Subject to subsection (3) below", and after that subsection there is inserted-

"(3) Where the receiver sells any wreck in a case falling within subsection (1A) above, he may make to the salvors an advance payment, of such amount as he thinks fit and subject to such conditions as he thinks fit, on account of any salvage that may become payable to them in accordance with section 243(5)."

Retention of documents by Registrar General. **23.** In section 298 of the 1995 Act (duty of Registrar General to record and preserve documents transmitted to him), for subsection (4) there is substituted-

"(4) The Registrar General of Shipping and Seamen shall retain documents transmitted to him under subsection (3) above for such period as the Secretary of State may direct."

*Protection of wrecks* Implementation of international agreements relating to protection of wrecks. **24.** - (1) The Secretary of State may by order made by statutory instrument make such provision as he considers appropriate for the purpose of giving effect to any international agreement-

- (a) to which the United Kingdom is, or at the time when the order takes effect will be, a party, and
- (b) which relates to the protection of wrecks outside United Kingdom waters.

(2) Without prejudice to the generality of subsection (1), an order under this section may include-

- (a) provision designating a wreck, or an area in which a wreck is situated, for the purposes of the order,
- (b) provision prohibiting or restricting access to that wreck or area or interference with that wreck,
- (c) provision for the granting of licences by the Secretary of State,

- (d) provision authorising a person authorised by the Secretary of State in accordance with the order to board and search-
    - (i) any ship which is in United Kingdom waters, and
    - (ii) any United Kingdom ship which is in international waters,
  - (e) provision authorising such a person to seize anything found in the course of a search authorised under the order,
  - (f) provision that, subject to subsection (3), a contravention of a requirement imposed by the order shall be an offence punishable on summary conviction by a fine not exceeding the statutory maximum or on conviction on indictment by a fine, and
  - (g) such incidental, supplementary and transitional provision as appears to the Secretary of State to be appropriate for the purposes of the order.
- (3) No person shall be guilty of an offence under an order under subsection (1) unless-
- (a) the acts or omissions which constitute the offence are committed in the United Kingdom, in United Kingdom waters or on board a United Kingdom ship, or
  - (b) in a case where those acts or omissions are committed in international waters but not on board a United Kingdom ship, that person is-
    - (i) a British citizen, a British Dependent Territories citizen or a British Overseas citizen,
    - (ii) a person who under the British Nationality Act 1981 is a British subject,
    - (iii) a British National (Overseas) (within the meaning of that Act),
    - (iv) a British protected person (within the meaning of that Act), or
    - (v) a company within the meaning of the Companies Act 1985 or the Companies (Northern Ireland) Order 1986.
- (4) In subsection (3), " United Kingdom ship" means a ship which-
- (a) is registered in the United Kingdom; or
  - (b) is not registered under the law of any country but is wholly owned by persons each of whom is a person mentioned in paragraph (b)(i) to (v) of that subsection.
- (5) Subject to subsection (3), any offence under an order under subsection (1) shall, for the purpose only of conferring jurisdiction on any court, be deemed to have been committed in any place where the offender may for the time being be.
- (6) No proceedings for an offence under any order under subsection (1) shall be instituted-
- (a) in England and Wales, except by or with the consent of the Director of Public Prosecutions;
  - (b) in Northern Ireland, except by or with the consent of the Director of Public Prosecutions for Northern Ireland.
- (7) A statutory instrument containing an order under subsection (1) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) In this section-
- "international waters" means any part of the sea outside the seaward limits of the territorial sea of any country or territory;
  - "ship" includes any description of vessel used in navigation;
  - "United Kingdom waters" means the sea or other waters within the seaward limits of the territorial sea of the United Kingdom;
  - "wreck" means the wreck of any ship other than a ship which, at the time it sank or was stranded, was in service with, or used for the purposes of, any of the armed forces of the United Kingdom or any other country or territory.

*Maritime security, etc.* Amendments of Aviation and Maritime Security Act 1990. **25.** Schedule 4 (amendments of Part III of the Aviation and Maritime Security Act 1990, which relates to the protection of ships and harbour areas against acts of violence) shall have effect.

Piracy. **26.** - (1) For the avoidance of doubt it is hereby declared that for the purposes of any proceedings before a court in the United Kingdom in respect of piracy, the provisions of the United Nations Convention on the Law of the Sea 1982 that are set out in Schedule 5 shall be treated as constituting part of the law of nations.

(2) For the purposes of those provisions the high seas shall (in accordance with paragraph 2 of Article 58 of that Convention) be taken to include all waters beyond the territorial sea of the United Kingdom or of any other state.

(3) The Tokyo Convention Act 1967 (so far as unrepealed) shall cease to have effect.

(4) Her Majesty may by Order in Council direct that subsections (1) to (3) and Schedule 5 shall extend to the Isle of Man, any of the Channel Islands or any colony with such modifications, if any, as appear to Her to be appropriate.

(5) In section 39 of the Aviation Security Act 1982 (extension of 1982 Act outside United Kingdom), for subsection (2) (application of power in 1967 Act to section 5 of 1982 Act) there is substituted-

"(2) Subsection (4) of section 26 of the Merchant Shipping and Maritime Security Act 1997 (power to extend provisions about piracy to Isle of Man, Channel Islands and colonies) shall apply to section 5 of this Act as it applies to the provisions mentioned in that subsection."

(6) Nothing in this section affects the operation of any Order in Council made under section 8 of the Tokyo Convention Act 1967; but any such Order may be revoked as if made under subsection (4).

*International bodies concerned with maritime matters* Application of s. 1 of International Organisations Act 1968 to International Oil Pollution Compensation Fund. **27.** - (1) In this section "the 1971 Fund" means the International Oil Pollution Compensation Fund established by the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage opened for signature in Brussels on 18th December 1971.

(2) The termination of the membership of Her Majesty's Government in the United Kingdom of the 1971 Fund shall not affect the application to that Fund of section 1 of the International Organisations Act 1968.

International Tribunal for the Law of the Sea. **28.** - (1) In this section "the Tribunal" means the International Tribunal for the Law of the Sea established in accordance with Annex VI of the United Nations Convention on the Law of the Sea.

(2) Except in so far as in any particular case any privilege or immunity is waived by the Tribunal, the members of the Tribunal shall enjoy, when engaged on the business of the Tribunal, the like privileges and immunities as, in accordance with the 1961 Convention Articles, are accorded to the head of a diplomatic mission.

(3) In subsection (2)-

"the 1961 Convention Articles" means the Articles (being certain Articles of the Vienna Convention on Diplomatic Relations signed in 1961) which are set out in Schedule 1 to the Diplomatic Privileges Act 1964;

"head of a diplomatic mission" shall be construed in accordance with those Articles.

(4) The members of the Tribunal and the registrar of the Tribunal shall have exemption from income tax in respect of emoluments received by them as members or as the registrar.

(5) Subsection (4) shall be taken to have come into force on 15th September 1996.

(6) If in any proceedings a question arises whether a person is or is not entitled to any privilege or immunity by virtue of this section, a certificate issued by or under the authority of the Secretary of State stating any fact relating to that question shall be conclusive evidence of that fact.

(7) Subsections (1) to (5) shall cease to have effect on the coming into force of the International Tribunal for the Law of the Sea (Immunities and Privileges) Order 1996 (which makes provision corresponding to subsections (1) to (4) but does not come into force until the United Nations Convention on the Law of the Sea enters into force in respect of the United Kingdom).

*Supplementary* Minor and consequential amendments, etc. **29.** - (1) Schedule 6 (minor and consequential amendments) shall have effect.

(2) Schedule 7 (repeals and revocations) shall have effect.

Extent and application. **30.** - (1) This Act, except section 4, extends to Northern Ireland.

(2) The provisions capable of being-

(a) extended to the Isle of Man, any of the Channel Islands or any colony under section 315 of the 1995 Act, or

(b) applied in relation to any of those places under section 141 or under or by virtue of any other provision of the 1995 Act,

include the amendments of that Act made by this Act.

(3) The provisions capable of being extended to the Isle of Man, any of the Channel Islands or any colony under section 51 of the Aviation and Maritime Security Act 1990 include the amendments of that Act made by this Act.

(4) Her Majesty may by Order in Council direct that section 24 shall, with such exceptions, adaptations and modifications (if any) as may be specified in the Order, extend to the Isle of Man, any of the Channel Islands or any colony.

Short title, interpretation and commencement. **31.** - (1) This Act may be cited as the Merchant Shipping and Maritime Security Act 1997.

(2) In this Act "the 1995 Act" means the Merchant Shipping Act 1995.

(3) Subject to subsection (4), this Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint; and different days may be so appointed for different purposes.

(4) Sections 5, 8, 11, 12, 13, 16, 24, 28 and 30, this section and Schedule 2 and paragraph 16 of Schedule 6 shall come into force on the day on which this Act is passed.

## SCHEDULES

### SCHEDULE 1

AMENDMENTS OF MERCHANT SHIPPING ACT 1995 RELATING TO INSPECTION AND DETENTION OF SHIPS

*Meaning of "dangerously unsafe ship"* 1. - (1) Section 94 of the 1995 Act (meaning of "dangerously unsafe ship") is amended as follows.

(2) In subsection (1), after "ship", where first occurring, there is inserted "in port".

(3) After subsection (1) there is inserted-

"(1A) For the purposes of those sections a ship at sea is "dangerously unsafe" if, having regard to the nature of the service for which it is being used or is intended, the ship is, by

reason of the matters mentioned in subsection (2) below, either-

- (a) unfit to remain at sea without serious danger to human life, or
- (b) unfit to go on a voyage without serious danger to human life."

*Power to detain dangerously unsafe ship 2.* - (1) Section 95 of the 1995 Act (power to detain dangerously unsafe ship) is amended as follows.

(2) For subsection (1) there is substituted-

"(1) Where a ship which is-

- (a) in a port in the United Kingdom, or
- (b) at sea in United Kingdom waters,

appears to a relevant inspector to be a dangerously unsafe ship, the ship may be detained."

(3) At the beginning of subsection (2) there is inserted "Subject to subsection (2A) below", and after that subsection there is inserted-

"(2A) The power of detention conferred by subsection (1)(b) is not exercisable in relation to a qualifying foreign ship while the ship is exercising-

- (a) the right of innocent passage, or
- (b) the right of transit passage through straits used for international navigation."

(4) In subsection (3)(c), for "prohibit the ship from going to sea" there is substituted "require the ship to comply with the terms of the notice".

*Fishing vessel without appropriate certificate 3.* In section 125 of the 1995 Act (prohibition on fishing vessel going to sea without appropriate certificate), in subsection (3) (which confers a power of detention), for "the fishing vessel may be detained" there is substituted "the fishing vessel, if in United Kingdom waters, may be detained".

*Power to inspect ships and their equipment 4.* - (1) Section 258 of the 1995 Act (powers to inspect ships and their equipment, etc.) is amended as follows.

(2) In subsection (1)-

(a) for the words from the beginning to "Chapter) or" there is substituted "For the purposes of seeing that the provisions of this Act other than sections 131 to 141 and sections 143 to 151 and the provisions of regulations and rules made under this Act (other than those sections) are complied with or",

(b) after "go on board a ship" there is inserted "in the United Kingdom or in United Kingdom waters", and

(c) the words "other than Chapter II of Part VI" and "(other than that Chapter)", in the second place where they occur, are omitted.

(3) After subsection (1) there is inserted-

"(1A) The powers conferred by subsection (1) above are not exercisable in relation to a qualifying foreign ship while the ship is exercising-

- (a) the right of innocent passage, or
- (b) the right of transit passage through straits used for international navigation."

(4) In subsection (2), for "the United Kingdom" there is substituted "United Kingdom waters".

*Enforcing detention of ships 5.* - (1) Section 284 of the 1995 Act (enforcing detention of ship)



is amended as follows.

(2) In subsection (1), for paragraph (b) there is substituted-

"(b) any officer of a Minister of the Crown or Northern Ireland department who is authorised by the Secretary of State, either generally or in a particular case, to exercise powers under this section,".

(3) After subsection (1) there is inserted-

"(1A) A notice of detention may-

(a) include a direction that the ship-

(i) must remain in a particular place, or

(ii) must be moved to a particular anchorage or berth, and

(b) if it includes such a direction, may specify circumstances relating to safety or the prevention of pollution in which the master may move his ship from that place, anchorage or berth."

(4) For subsection (2) there is substituted-

"(2) If a ship as respects which notice of detention has been served on the master proceeds to sea, otherwise than in accordance with such a notice, before it is released by a competent authority, the master of the ship shall be guilty of an offence.

(2A) If a ship as respects which notice of detention has been served on the master fails to comply with a direction given under subsection (1A)(a) above, the master of the ship shall be guilty of an offence.

(2B) A person guilty of an offence under subsection (2) or (2A) above shall be liable-

(a) on summary conviction, to a fine not exceeding £50,000;

(b) on conviction on indictment, to a fine."

(5) In subsection (3), after "subsection (2)" there is inserted "or (2A)".

(6) In subsection (4)-

(a) after "subsection (2) above" there is inserted "or failing to comply with a direction given under subsection (1A)(a) above",

(b) for "takes to sea" there is substituted "carries away without his consent", and

(c) in paragraph (i), for "taken to sea" there is substituted "carried away".

(7) Any reference to section 284 of the 1995 Act, or to provisions of that section-

(a) in any safety regulations within the meaning of the 1995 Act made before commencement,

(b) in any Order in Council having effect under section 128 or 129 of the 1995 Act and made before commencement, or

(c) in any regulations having effect under such an Order and made before commencement,

shall have effect as a reference to section 284, or those provisions, as amended by this paragraph.

(8) In sub-paragraph (7) above "commencement" means the commencement of this paragraph.

*Powers of detention under provisions relating to load lines* 6. - (1) Schedule 3 to the 1995 Act (load lines) is amended as follows.

(2) In paragraph 3 (compliance with load line rules by United Kingdom ships) in sub-paragraph (3)-

(a) after "sub-paragraph (1) above" there is inserted "proceeds or", and

(b) after "sub-paragraph (1)(a) and (b) above" there is inserted "and which is in United Kingdom waters".

(3) In paragraph 13 (compliance with load line rules by other ships)-

(a) in sub-paragraph (4)-

(i) after "this paragraph" there is inserted "proceeds or", and

(ii) after "sub-paragraphs (1)(a) or (b) above" there is inserted "and which is in United Kingdom waters", and

(b) after that sub-paragraph there is inserted-

"(4A) The power of detention conferred by sub-paragraph (4) above is not exercisable in relation to a qualifying foreign ship while the ship is exercising-

(a) the right of innocent passage, or

(b) the right of transit passage through straits used for international navigation."

(4) In paragraph 17 (inspection)-

(a) in sub-paragraphs (1) and (2), for "any port in the United Kingdom" there is substituted "United Kingdom waters", and

(b) after sub-paragraph (2) there is inserted-

"(2A) No power of inspection conferred by sub-paragraph (1) or (2) above is exercisable in relation to a qualifying foreign ship while the ship is exercising-

(a) the right of innocent passage, or

(b) the right of transit passage through straits used for international navigation."

## **SCHEDULE 2**

FUNDING OF MARITIME SERVICES 1. After section 302 of the 1995 Act there is inserted-  
"Funding of maritime services. 302A. Schedule 11A (funding of maritime services) shall have effect."

2. After Schedule 11 to the 1995 Act there is inserted-

"Schedule 11A

FUNDING OF MARITIME SERVICES

*Interpretation*

1. In this Schedule-

"general light dues" and "general lighthouse authority" have the same meaning as in Part VIII of this Act;

"prescribe" means prescribe by regulations.

*Charges in respect of maritime matters*

2. - (1) Regulations under this Schedule may make provision imposing charges for

the purpose of recovering the whole or a part of the costs incurred by the Secretary of State in connection with his maritime functions.

(2) In sub-paragraph (1) above "maritime functions" means-

- (a) functions conferred by or under any provision of this Act apart from Part II or Part VIII,
- (b) functions under any international agreement relating to-
  - (i) the safety of ships,
  - (ii) the prevention of pollution from ships, or
  - (iii) living and working conditions on board ships, and
- (c) other functions relating to the promotion of the safety of ships.

*Charges relating to expenses payable out of General Lighthouse Fund*

3. - (1) If-

- (a) any Community obligation, or
- (b) any international agreement made between any three or more countries including the Republic of Ireland and ratified by the United Kingdom, requires the United Kingdom to provide for any of the costs incurred by general lighthouse authorities in respect of lighthouses, buoys and beacons to be recovered otherwise than by means of the levying of general light dues in accordance with section 205 (as it has effect on the commencement of this Schedule), regulations under this Schedule may make provision imposing charges for the purposes of recovering all or any part of the costs required to be so recovered.

(2) In this paragraph "buoys and beacons" includes equipment which is intended as an aid to the navigation of ships and, subject to that, expressions used in this paragraph and in Part VIII of this Act have the same meaning as in that Part.

*Ships in respect of which charges may be imposed*

4. - (1) Regulations under this Schedule may not require a charge to be paid except in respect of-

- (a) a ship which has entered a port in the United Kingdom,
- (b) a ship which is anchored off a port in the United Kingdom, or
- (c) a ship which is anchored within 500 metres of an installation which is in United Kingdom waters or a part of the sea specified by virtue of section 129(2)(b).

(2) Nothing in any regulations under this Schedule shall be construed as requiring a charge to be paid in respect of a qualifying foreign ship which is exercising-

- (a) the right of innocent passage, or
- (b) the right of transit passage through straits used for international navigation, except to the extent that international law allows such a charge to be imposed.

(3) Subject to sub-paragraphs (1) and (2) above, the regulations may impose a charge in respect of such description of ship as may be prescribed.

(4) In particular-

- (a) regulations may impose a charge in respect of a ship even though no service has been provided or function exercised in the case of that ship; and
- (b) regulations may provide that no charge is imposed in respect of a ship which does not exceed a prescribed tonnage or does not exceed a prescribed length.

(5) For the purposes of sub-paragraph (1)(a) above, the circumstances in which a ship shall be regarded as entering a port in the United Kingdom include circumstances in which the ship enters any United Kingdom waters which are regulated or managed by a harbour authority.

(6) In sub-paragraph (1)(c) above "installation" means an installation which-

- (a) is an offshore installation within the meaning of the Mineral Workings (Offshore Installations) Act 1971; or
- (b) is to be taken to be an installation for the purposes of sections 21 to 23 of the Petroleum Act 1987.

*Persons by whom charges to be paid*

5. - (1) Regulations under this Schedule may not require a charge to be paid in respect of a ship by a person who is not-

- (a) the owner of the ship;
- (b) the person registered as the owner of the ship;
- (c) the operator of the ship;
- (d) the manager of the ship;
- (e) the charterer of the ship; or
- (f) the agent of a person mentioned in any of paragraphs (a) to (e) above.

(2) Subject to sub-paragraph (1) above, charges imposed by the regulations shall be payable by such persons as may be prescribed.

*Amount of charges*

6. - (1) Regulations under this Schedule may impose a charge-

- (a) of a fixed amount, or
  - (b) of an amount determined in accordance with the regulations,
- and may impose different charges in relation to ships of different descriptions or in different circumstances.

(2) Regulations under this Schedule may, in particular, impose in respect of a ship a charge whose amount depends on-

- (a) whether action has been or is being taken with a view to-
  - (i) enforcing international shipping standards in the case of that ship,
  - or
  - (ii) preventing, reducing or minimising the effects of pollution from that ship; and

- (b) if any such action has been or is being so taken, the nature of the action.
- (3) Regulations under this Schedule may, in particular, impose in respect of a ship a charge whose amount depends on the tonnage or length of the ship.

*Powers to require information*

7. - (1) Regulations under this Schedule may include provision requiring any relevant authority or any person who is or may be liable to pay charges under the regulations in respect of a ship, to provide any collecting authority with such information as the collecting authority may reasonably require for the purposes of the regulations.

(2) In this paragraph-

"collecting authority" means-

- (a) the Secretary of State,
- (b) a Departmental officer, and
- (c) a general lighthouse authority;

"relevant authority" means-

- (a) a harbour authority,
- (b) the Commissioners of Customs and Excise, and
- (c) a conservancy authority.

*Disclosure of information*

8. - (1) No obligation as to secrecy or other restriction on the disclosure of information (whether imposed by statute or otherwise) shall prevent a Minister of the Crown or a Northern Ireland department from disclosing-

- (a) to the Secretary of State, or
- (b) to a person appointed by the Secretary of State to collect charges under regulations made under this Schedule,

information for the purpose of enabling or assisting the Secretary of State to perform his functions under the regulations.

(2) Information obtained by any person by virtue of sub-paragraph (1) above shall not be disclosed by him to any other person except where the disclosure is made-

- (a) to a person falling within sub-paragraph (1)(a) or (b) above, or
- (b) for the purposes of any legal proceedings arising out of the regulations.

*Collection and recovery, etc.*

9. - (1) Regulations under this Schedule may make provision-

- (a) with respect to the collection and recovery of charges; and
- (b) for charges which fall due under the regulations but which are not paid to carry interest.

(2) Regulations made under this Schedule by virtue of sub-paragraph (1) above may in particular confer on general lighthouse authorities functions relating to the collection and recovery of charges.

10. Regulations under this Schedule may make provision for appeals against decisions that charges are due in respect of ships.

*Distress*

11. Regulations under this Schedule may make provision in respect of England and Wales and Northern Ireland-

- (a) for authorising distress to be levied on any ship in respect of which the owner or master has failed to pay charges due under the regulations, and on any goods, equipment or other thing belonging to, or on board, the ship,
- (b) for the disposal of any ship, goods, equipment or other thing on which distress is levied in accordance with the regulations, and
- (c) for the imposition and recovery of costs, charges, expenses and fees in connection with anything done under regulations made by virtue of paragraph (a) or (b) above.

*Further powers in relation to General Lighthouse Fund etc*

12. If regulations under this Schedule make any provision by virtue of paragraph 3 above, regulations under this Schedule may also-

- (a) provide for payments which, apart from the regulations, would fall to be made out of the General Lighthouse Fund to be made by the Secretary of State out of money provided by Parliament,
- (b) provide for amounts which, apart from the regulations, would fall to be paid into the General Lighthouse Fund (other than general light dues levied in accordance with section 205) to be paid by the Secretary of State into the Consolidated Fund,
- (c) provide for the payment out of money provided by Parliament into the General Lighthouse Fund of amounts representing the whole or part of any charges imposed by virtue of paragraph 3, and
- (d) make such amendments, repeals or other modifications of any of the provisions of this Act relating to the General Lighthouse Fund or general light dues as appear to the Secretary of State to be necessary or expedient in consequence of, or in connection with, the provision made by virtue of paragraph 3 above or paragraph (a), (b) or (c) above.

13. If regulations under this Schedule make any provision by virtue of paragraph 9(2) above, regulations under this Schedule may also provide for the making by the Secretary of State to each general lighthouse authority out of money provided by Parliament of payments in respect of expenses incurred by that authority in connection with the collection or recovery of charges.

*Supplementary*

14. Regulations under this Schedule may include such transitional, incidental or supplementary provision as appears to the Secretary of State to be necessary or appropriate.

15. Any sums received in consequence of regulations under this Schedule shall be paid into the Consolidated Fund.

16. - (1) Regulations under this Schedule shall be made by the Secretary of State with the consent of the Treasury.

(2) Regulations shall not be made under this Schedule unless a draft of them has been laid before, and approved by a resolution of, the House of Commons."

### **SCHEDULE 3** (ommitted)

### **SCHEDULE 4**

AMENDMENTS OF PART III OF AVIATION AND MARITIME SECURITY ACT 1990 1. Part III of the Aviation and Maritime Security Act 1990 (protection of ships and harbour areas against acts of violence) shall have effect subject to the amendments made by this Schedule.

*Meaning of "harbour area"* 2. In section 18 (purposes to which Part III applies), for subsection (3) there is substituted-

"(3) In this Part of this Act "harbour area" means-

(a) the aggregate of-

(i) any harbour in the United Kingdom in respect of which there is a harbour authority within the meaning of the Merchant Shipping Act 1995, and

(ii) any land which is adjacent to such a harbour and which is either land occupied by the harbour authority or land in respect of which the harbour authority has functions of improvement, maintenance or management, or

(b) any hoverport which does not form part of any area which falls within paragraph (a)(i) or (ii) above."

*Designation of restricted zones* 3. - (1) Section 20 (designation of restricted zones of harbour areas) is amended as follows.

(2) After subsection (1) there is inserted-

"(1A) A harbour operator may, and shall if so requested in writing by the Secretary of State, apply to the Secretary of State for the designation of the whole or any part of the operating area as a restricted zone for the purposes of this Part of this Act."

(3) In subsections (2) and (3), after "(1)" there is inserted "or (1A)".

(4) In subsection (4), for "harbour authority" there is substituted "applicant".

(5) In subsection (5)-

(a) for "harbour authority" there is substituted "person",

(b) after "(1)" there is inserted "or (1A)", and

(c) after "harbour area" there is inserted "or, as the case may be, of the operating area".

(6) In subsection (6), after "harbour area" there is inserted "or, as the case may be, of an operating area".

(7) In subsection (7) for "harbour authority" there is substituted "person who made, or was

requested to make, the application".

(8) In subsection (8) after "harbour area" there is inserted "or, as the case may be, of an operating area".

(9) After subsection (8) there is inserted-

"(9) In this Part of this Act "harbour operator" means a person who-

(a) carries on harbour operations in a harbour area, and

(b) is designated for the purposes of this Part by an order made by the Secretary of State;

and "operating area" means, in relation to that person, so much of the harbour area as is under his control.

(10) An order under subsection (9) above may be revoked by a subsequent order."

*Power to promote searches* 4. - (1) Section 22 (power to require harbour authorities to promote searches) is amended as follows.

(2) In subsection (1), for "to a harbour authority requiring it to use its best endeavours" there is substituted "to-

(a) a harbour authority, or

(b) a harbour operator,

requiring that person to use his best endeavours".

(3) After subsection (2) there is inserted-

"(2A) The searches to which this section applies, in relation to an operating area, are searches-

(a) of the operating area or any part of it,

(b) of any ship which at the time when the direction is given or at any subsequent time is in the operating area, and

(c) of persons and property (other than ships) which may at any time be in the operating area."

(4) After subsection (3) there is inserted-

"(3A) Subsection (3) above applies in relation to a direction under this section to a harbour operator as it applies in relation to a direction to a harbour authority, but as if the references to the harbour area (or to any part of the harbour area) were references to the operating area (or any part of the operating area)."

5. In section 23 (power to require other persons to promote searches), in subsection (1), "(other than a harbour authority)" is omitted and after that subsection there is inserted-

"(1A) A direction may not be given under this section to-

(a) a harbour authority, or

(b) a harbour operator."

*Removal of firearms* 6. In section 26(1) (direction not to require or authorise any person to carry a firearm), at the end of subsection (1) there is inserted "except to the extent necessary for the purpose of removing any firearm found pursuant to a search under section 22 of this Act from the restricted zone and delivering the firearm to a person authorised to carry it".



*Inspection of ships and harbour areas* 7. In section 36(2) (powers of authorised person on inspection of ships or harbour areas), in paragraph (c), for "or the occupier of the land" there is substituted "the occupier of the land or any harbour operator".

*False statements* 8. In section 37 (false statements relating to baggage, cargo etc.), in subsection (2) (persons to whom false statements must not be made) after paragraph (a) there is inserted-

"(aa) a harbour operator,".

9. In section 38 (false statements in connection with identity documents), in subsection (3) (persons to whom false statements must not be made) after paragraph (a) there is inserted-

"(aa) a harbour operator,".

*Unauthorised presence in restricted zone* 10. - (1) Section 39 (unauthorised presence in restricted zone) is amended as follows.

(2) In subsection (1)(a) and (b) for "the harbour authority or a person acting on behalf of the harbour authority" there is substituted "the competent authority, or a person acting on behalf of that authority".

(3) After subsection (2) there is inserted-

"(2A) A constable or any person acting on behalf of the competent authority may use such force as is reasonable in the circumstances to remove from a restricted zone a person remaining in it in contravention of subsection (1)(b) above.

(2B) For the purposes of this section the competent authority in relation to a restricted zone is-

(a) if the zone was designated on the application of a harbour authority, that authority; and

(b) if the zone was designated on the application of a harbour operator, that operator."

*Meaning of "harbour", "harbour authority" etc.* 11. - (1) Section 46 (interpretation of Part III) is amended as follows.

(2) In subsection (1)-

(a) for the definition of "harbour" there is substituted-

""harbour" has the same meaning as in the Merchant Shipping Act 1995;"

(b) for the definition of "harbour authority" there is substituted-

""harbour authority" means-

(a) a harbour authority within the meaning of the Merchant Shipping Act 1995, or

(b) the manager of any hoverport which does not form part of an area mentioned in section 18(3)(a)(i) or (ii) of this Act,"

(c) for the definition of "harbour operations" there is substituted-

""harbour operations" means-

(a) the marking or lighting of a harbour or any part of it,

(b) the berthing or dry docking of a ship or the towing or moving of a ship into or out of or within the harbour area,

(c) the transportation, handling or warehousing of goods within the harbour area, or

(d) the embarking, disembarking or movement of passengers within the harbour

- area;
- "harbour operator" has the meaning given by section 20(9) of this Act";
- (d) after the definition of "naval services" there is inserted-
- ""operating area" has the meaning given by section 20(9) of this Act";, and
- (e) the definition of "restricted zone" is omitted.
- (3) After subsection (2) there is inserted-
- "(2A) In this Part of this Act "restricted zone" means an area designated under section 20 of this Act; and references to a restricted zone of a harbour area include references to a restricted zone which is or is part of an operating area."

## **SCHEDULE 5**

**(omitted)**

## **SCHEDULE 6**

### MINOR AND CONSEQUENTIAL AMENDMENTS

*The Hovercraft Act 1968 (c. 59)* 1. In section 1(1)(i)(ii) of the Hovercraft Act 1968 (power to apply sections 185 and 186 of the 1995 Act in relation to the carriage of property by hovercraft), before "sections 185 and 186" there is inserted "and".

*The Supreme Court Act 1981 (c. 54)* 2. In section 20 of the Supreme Court Act 1981 (Admiralty jurisdiction of High Court), in subsection (5)(b) for "International Oil Compensation Fund 1984" there is substituted "International Oil Pollution Compensation Fund 1992".

*The Merchant Shipping Act 1995 (c. 21)* 3. - (1) Section 128 of the 1995 Act (prevention of pollution from ships) is amended as follows.

(2) In subsection (3)(h) for "section 143(6), 144" there is substituted "sections 143(6), 144".

(3) In subsection (4)(f) (instruments made under Orders in Council under section 128(1)) the words "and apply the Statutory Instruments Act 1946 to instruments made under the Order" are omitted.

4. - (1) With respect to applications made after the commencement of this paragraph, section 158 of the 1995 Act (limitation actions), including that section as set out in Schedule 4 to that Act, is amended as follows.

(2) In subsection (2)-

(a) for the words "and is entitled to limit it" there is substituted "but has not found that he is not entitled to limit it", and

(b) for "the limit of the liability" there is substituted "the limit which would apply to the applicant's liability if he were entitled to limit it".

(3) After subsection (2) there is inserted-

"(2A) Where-

(a) a distribution is made under subsection (2)(b) above without the court having found that the applicant is entitled to limit his liability, and

(b) the court subsequently finds that the applicant is not so entitled,  
the making of the distribution is not to be regarded as affecting the applicant's liability in

excess of the amount distributed."

5. In section 170 of the 1995 Act (interpretation of provisions implementing the International Convention on Civil Liability for Oil Pollution Damage 1992), in subsection (4)(a) (territory of United Kingdom to include any area within the British fishery limits) for "within the British fishery limits set by or under the Fishery Limits Act 1976;" there is substituted "specified by virtue of section 129(2)(b)".

6. In section 193 of the 1995 Act (general and local lighthouse authorities)-

(a) in subsection (2)(a), for "harbour authority" there is substituted "statutory harbour authority", and

(b) in subsection (4)(b), for the words "harbour authority", where they first occur, there is substituted "statutory harbour authority".

7. In section 197 of the 1995 Act (general powers of general lighthouse authority), in subsection (2), for "harbour authority" there is substituted "statutory harbour authority".

8. In section 201 of the 1995 Act (powers of harbour authorities), in subsection (1), for "harbour authority" there is substituted "statutory harbour authority".

9. Section 202 of and Schedule 9 to the 1995 Act (transfer of local lighthouses from general lighthouse authorities to harbour authorities) (which are spent) are omitted.

10. In section 203 of the 1995 Act (individual transfers of local lighthouses to harbour authorities), for the words "harbour authority", where they first occur, there is substituted "statutory harbour authority".

11. In section 204 of the 1995 Act (surrender of local lighthouses), in subsection (2), for "harbour authority" there is substituted "statutory harbour authority".

12. In section 205 of the 1995 Act (light dues leviable by general lighthouse authorities), in subsection (9), for the words from "to Her Majesty's Paymaster-General" to the end there is substituted "to the Secretary of State or as he directs, and in such manner as he directs."

13. In section 210 of the 1995 Act (light dues leviable by local lighthouse authorities), in subsections (1) and (2) for the words "harbour authority" there is substituted "statutory harbour authority".

14. In section 232 (duty of receiver where vessel in distress), in subsection (2), for "(4)" there is substituted "(3)".

15. In section 256 (appointment of inspectors and surveyors), in subsection (7), for "section " there is substituted "subsection".

16. In section 261 (improvement notices), in subsection (4)(a), after "130" there is inserted "130A".

17. In section 293 (functions of Secretary of State in relation to marine pollution), in subsection (2), before sub-paragraph (a), there is inserted-

"(za) the preparation, review and implementation of a national plan setting out arrangements for responding to incidents which cause or may cause marine pollution with a view to preventing such pollution or reducing or minimising its effects;"

18. - (1) Section 306 of the 1995 Act (regulations, rules and orders, etc.) is amended as follows.

(2) For subsection (1) (powers which are exercisable by statutory instrument) there is substituted-

"(1) Subject to subsection (1A) below, any power of the Secretary of State to make regulations, orders or rules under this Act shall be exercisable by statutory instrument.

(1A) Subsection (1) above does not apply to-

(a) rules made under section 91; or

- (b) any instrument made under section 128(4)(f) other than an instrument containing regulations."
- (3) For subsection (2) (statutory instruments containing regulations, orders or rules to be subject to negative resolution procedure, except in specified cases) there is substituted-
- "(2) Subject to subsection (2A) below-
- (a) any statutory instrument containing regulations under this Act (including such an instrument made by virtue of section 128(4)(f) or 182B(4)(e)), and
- (b) any statutory instrument containing an order or rules made under this Act,
- shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (2A) Subsection (2) above does not apply to-
- (a) regulations made under section 130A, 259(8) or 260(3) or Schedule 11A;
- (b) commencement orders;
- (c) any order made under section 216(2), 223(3), paragraph 8 of Part II of Schedule 7, or any provision of Schedule 14."
- (4) In subsection (3) (which provides that all Orders in Council apart from those specified are to be subject to negative resolution procedure)-
- (a) after "172(2)" there is inserted "182B(1)", and
- (b) after "184" there is inserted "185(2A) or (2B)".
- (5) In subsection (4)(a) (duty to consult before making certain regulations), for "under section 108" there is substituted "section 108 or 130A".
19. - (1) Section 313 of the 1995 Act (interpretation) is amended as follows.
- (2) In subsection (1) (definitions)-
- (a) for the definition of "harbour authority" there is substituted-
- ""harbour authority" means, in relation to a harbour-
- (a) the person who is the statutory harbour authority for the harbour, or
- (b) if there is no statutory harbour authority for the harbour, the person (if any) who is the proprietor of the harbour or who is entrusted with the function of managing, maintaining or improving the harbour;"
- (b) after the definition of "master" there is inserted-
- ""Minister of the Crown" has the same meaning as in the Ministers of the Crown Act 1975;"
- (c) after the definition of "proper officer" there is inserted-
- ""qualifying foreign ship" has the meaning given in section 313A;"
- (d) after the definition of "ship" there is inserted-
- ""statutory harbour authority" means-
- (a) in relation to Great Britain, a harbour authority within the meaning of the Harbours Act 1964; and
- (b) in relation to Northern Ireland, a harbour authority within the meaning of the Harbours Act (Northern Ireland) 1970."
- (3) After subsection (2) there is inserted-
- "(2A) In this Act "right of innocent passage", "right of transit passage" and "straits used for international navigation" shall be construed in accordance with the United Nations Convention on the Law of the Sea 1982."

20. After section 313 of the 1995 Act there is inserted-

Meaning of 313A. - (1) In this Act "qualifying foreign ship" means any ship other than "qualifying foreign ship".

- (a) a British ship, or
  - (b) a ship which is not registered under Part II and which (although not by virtue of section 1(1)(d) a British ship)-
    - (i) is wholly owned by persons falling within subsection (2) below, and
    - (ii) is not registered under the law of a country outside the United Kingdom.
- (2) The following persons fall within this subsection, namely-
- (a) British citizens,
  - (b) British Dependent Territories citizens,
  - (c) British Overseas citizens,
  - (d) persons who under the British Nationality Act 1981 are British subjects,
  - (e) British Nationals (Overseas) (within the meaning of that Act),
  - (f) British protected persons (within the meaning of that Act), or
  - (g) bodies corporate incorporated in the United Kingdom or in any relevant British possession and having their principal place of business in the United Kingdom or in any relevant British possession."

## SCHEDULE 7

### REPEALS AND REVOCATIONS PART I REPEALS

Chapter	Short title	Extent of repeal
1967 c. 52.	The Tokyo Convention Act 1967.	The whole Act so far as unrepealed.
1982 c. 36.	The Aviation Security Act 1982.	In section 39(4), "(2)".
1990 c. 31.	The Aviation and Maritime Security Act 1990.	In section 23(1), the words "(other than a harbour authority)". In section 46(1), the definition of "restricted zone".
1995 c. 21.	The Merchant Shipping Act 1995.	In section 85(3) the words from "and regulations" to "relates to safety". Section 86(5) and (6). In section 128(4)(f) the words "and apply the Statutory Instruments Act 1946 to instruments made under the Order". Section 202. In section 258(1), the words "other than Chapter II of Part VI", where secondly occurring, and the words "(other than that Chapter)", where secondly occurring.

	Schedule 9.
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PART II REVOCATIONS

Number	Title	Extent of revocation
S.I. 1980/109 3.	The Merchant Shipping (Prevention of Pollution) (Intervention) Order 1980.	Articles 1(2)(b), 3, 4 and 6.