STATUTORY INSTRUMENTS

# 2016 No. 1061

# MERCHANT SHIPPING

## The Merchant Shipping Act 1995 (Amendment) Order 2016

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| *Made - - - -* | *2nd November 2016* |
| *Laid before Parliament* | *8th November 2016* |
| *Coming into force - -* | *30th November 2016* |

The Secretary of State is a Minister designated(**1**) in relation to measures relating to maritime transport for the purpose of section 2(2) of the European Communities Act 1972(**2**).

The Secretary of State in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 and by sections 185(2C)(**3**) and 306A(**4**) of the Merchant Shipping Act 1995(**5**), makes the following Order.

### Citation and commencement

**1.** This Order may be cited as the Merchant Shipping Act 1995 (Amendment) Order 2016 and comes into force on 30th November 2016.

### Amendment of the Merchant Shipping Act 1995

**2.** In section 164 of the Merchant Shipping Act 1995 (issue of certificate by Secretary of State)—

(**1**) S.I. 1994/757
.

(**2**) 1972 c.68
. Section 2(2) was amended by section 27 of the Legislative and Regulatory Reform Act 2006 (c.51)
and by section 3 of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c.7)
. By virtue of the amendment of section 1(2) of the European Communities Act 1972 by section 1 of the European Economic Area Act 1993 (c.51)
regulations may be made under section 2(2) of the European Communities Act 1972 to implement obligations of the United Kingdom created or arising by or under the Agreement on the European Economic Area signed at Oporto on 2nd May 1972 (Cm 2073) and the Protocol adjusting the Agreement signed at Brussels on 17th March 1993 (Cm 2183).

(**3**) Section 185(2C) was inserted by section 15(1) of the Maritime Security Act 1997 (c.28)
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(**4**) Section 306A was inserted by section 106 of the Deregulation Act 2014 (c.20)
.

(**5**) 1995 c.21
.

(a) in subsection (1A)(**6**), omit the words from "or a" to "Convention country";

(b) after subsection (2) insert —

"(2A) If the Secretary of State is satisfied, on the application for such a certificate as is mentioned in section 163A(2) in respect of a ship registered in any country which is not a Bunkers Convention country, that there will be in force in respect of the ship, throughout the period for which the certificate is to be issued, a contract of insurance or other security satisfying the requirements of Article 7 of the Bunkers Convention, the Secretary of State may issue such a certificate to the registered owner.".

**3.** The text of the Convention as set out in Part 1 of Schedule 7 is amended as follows—

(a) for paragraph 1 of Article 6 (the general limits) substitute—

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

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

(i) 3.02 million Units of Account for a ship with a tonnage not exceeding 2,000 tons,

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

for each ton from 2,001 to 30,000 tons, 1,208 Units of Account;

for each ton from 30,001 to 70,000 tons, 906 Units of Account; and

for each ton in excess of 70,000 tons, 604 Units of Account,

(b) in respect of any other claims,

(i) 1.51 million Units of Account for a ship with a tonnage not exceeding 2,000 tons,

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

for each ton from 2,001 to 30,000 tons, 604 Units of Account;

for each ton from 30,001 to 70,000 tons, 453 Units of Account; and

for each ton in excess of 70,000 tons, 302 Units of Account.";

(b) after paragraph 4 of Article 6 add—

"The references in paragraph 1 to relevant limits in this Convention have effect as follows—

(a) the references to the relevant limits are to be construed as references to those limits as modified from time to time pursuant to Article 8 of the 1996 Protocol;

(b) a modification of a reference to a relevant limit by virtue of paragraph (a) has effect at the time that the modification of that limit pursuant to Article 8 of the 1996 Protocol comes into force in accordance with paragraph 8 of that Article;

(c) no modification of a reference to a relevant limit by virtue of paragraph (a) affects any rights or liabilities arising out of an occurrence which took place before the day on which the modification has effect;

(**6**) Subsection (1A) was inserted by regulation 18(3) of the Merchant Shipping (Oil Pollution) (Bunkers Convention) Regulations 2006 ( S.I. 2006/1244 ).