

**MERCHANT SHIPPING (MISCELLANEOUS PROVISIONS) ACT
1996**

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PART 1

CARRIAGE OF GOODS BY SEA

Shipping documents etc. to which this Part applies.

1. (1) This Part applies to the following documents, that is to say -
 - (a) any bill of lading;
 - (b) any sea waybill; and
 - (c) any ship's delivery order.
- (2) References in this Part to a bill of lading -
 - (a) do not include references to a document which is incapable of transfer either by indorsement or, as a bearer bill, by delivery without indorsement; but
 - (b) subject to that, do include references to a received for shipment bill of lading.
- (3) References in this Part to a sea waybill are references to any document which is not a bill of lading but -
 - (a) is such a receipt for goods as contains or evidences a contract for the carriage of goods by sea; and
 - (b) identifies the person to whom delivery of the goods is to be made by the carrier in accordance with that contract.
- (4) References in this Part to a ship's delivery order are references to any document which is neither a bill of lading nor a sea waybill but contains an undertaking which -
 - (a) is given under or for the purposes of a contract for the carriage by sea of the goods to which the document relates, or of goods which include those goods; and
 - (b) is an undertaking by the carrier to a person identified in the document to deliver the goods to which the document relates to that person.
- (5) The *Department of Trade and Industry* may by regulations make provision for the application of this Part to cases where a telecommunication system or any other information technology is used for effecting transactions corresponding to -
 - (a) the issue of a document to which this Part applies;

- (b) the indorsement, delivery or other transfer of such a document; or
 - (c) the doing of anything else in relation to such a document.
- (6) Regulations under subsection (5) may -
- (a) make such modifications of the following provisions of this Part as the Department considers appropriate in connection with the application of this Part to any case mentioned in that subsection; and
 - (b) contain supplemental, incidental, consequential and transitional provision.

(7) Regulations under this section shall not come into operation unless they are approved by Tynwald.

Rights under shipping documents.

2. (1) Subject to the following provisions of this section, a person who becomes -
- (a) the lawful holder of a bill of lading;
 - (b) the person who (without being an original party to the contract of carriage) is the person to whom delivery of the goods to which a sea waybill relates is to be made by the carrier in accordance with that contract; or
 - (c) the person to whom delivery of the goods to which a ship's delivery order relates is to be made in accordance with the undertaking contained in the order,

shall (by virtue of becoming the holder of the bill or, as the case may be, the person to whom delivery is to be made) have transferred to and vested in him all rights of suit under the contract of carriage as if he has been a party to that contract.

(2) Where, when a person becomes the lawful holder of a bill of lading, possession of the bill no longer gives a right (as against the carrier) to possession of the goods to which the bill relates, that person shall not have any rights transferred to him by virtue of subsection (1) unless he becomes the holder of the bill -

- (a) by virtue of a transaction effected in pursuance of any contractual or other arrangements made before the time when such a right to possession ceased to attach to possession of the bill; or
- (b) as a result of the rejection to that person by another person of goods or documents delivered to the other person in pursuance of any such arrangements.

(3) The rights vested in any person by virtue of the operation of subsection (1) in relation to a ship's delivery order -

- (a) shall be so vested subject to the terms of the order; and
- (b) where the goods to which the order relates form a part only of the goods to which the contract of carriage relates, shall be confined to rights in respect of the goods to which the order relates.

(4) Where, in the case of any document to which this Part applies -

- (a) a person with any interest or right in or in relation to goods to which the document relates sustains loss or damage in consequence of a breach of the contract of carriage; but
- (b) subsection (1) operates in relation to that document so that rights of suit in respect of that breach are vested in another person,

the other person shall be entitled to exercise those rights for the benefit of the person who sustained the loss or damage to the same extent as they could have been exercised if they had been vested in the person for whose benefit they are exercised.

(5) Where rights are transferred by virtue of the operation of subsection (1) in relation to any document, the transfer for which that subsection provides shall extinguish any entitlement to those rights which derives -

- (a) where that document is a bill of lading, from a person's having been an original party to the contract of carriage; or
- (b) in the case of any document to which this Part applies, from the previous operation of that subsection in relation to that document;

but the operation of that subsection shall be without prejudice to any rights which derive from a person's having been an original party to the contract contained in, or evidenced by, a sea waybill and, in relation to a ship's delivery order, shall be without prejudice to any rights deriving otherwise than from the previous operation of that subsection in relation to that order.

Liabilities under shipping documents.

3. (1) Where section 2(1) operates in relation to any document to which this Part applies and the person in whom rights are vested by virtue of that subsection -

- (a) takes or demands delivery from the carrier of any of the goods to which the document relates;
- (b) makes a claim under the contract of carriage against the carrier in respect of any of those goods; or
- (c) is a person who, at a time before those rights were vested in him,

took or demanded delivery from the carrier of any of those goods,

that person shall (by virtue of taking or demanding delivery or making the claim or, in a case falling within paragraph (c), of having the rights vested in him) become subject to the same liabilities under that contract as if he had been a party to that contract.

(2) Where the goods to which a ship's delivery order relates form a part only of the goods to which the contract of carriage relates, the liabilities to which any person is subject by virtue of the operation of this section in relation to that order shall exclude liabilities in respect of any goods to which the order does not relate.

(3) This section, so far as it imposes liabilities under any contract on any person, shall be without prejudice to the liabilities under the contract of any person as an original party to the contract.

Representations in bills of lading.

4. A bill of lading which -

- (a) represents goods to have been shipped on board a vessel or to have been received for shipment on board a vessel; and
- (b) has been signed by the master of the vessel or by a person who was not the master but had the express, implied or apparent authority of the carrier to sign bills of lading,

shall, in favour of a person who has become the lawful holder of the bill, be conclusive evidence against the carrier of the shipment of the goods or, as the case may be, of their receipt for shipment.

Part 1 : Interpretation etc.

5. (1) In this Part -

"bill of lading", "sea waybill" and ship's delivery order" shall be construed in accordance with section 1;

"the contract of carriage" -

- (a) in relation to a bill of lading or sea waybill, means the contract contained in or evidenced by that bill or waybill; and
- (b) in relation to a ship's delivery order, means the contract under or for the purposes of which the undertaking contained in the order is given;

"holder", in relation to a bill of lading, shall be construed in accordance with subsection (2);

"information technology" includes any computer or other technology by means of which information or other matter may be recorded or communicated without being reduced to documentary form; and

"telecommunication system" has the same meaning as in the Telecommunications Act 1984 [c.11].

(2) References in this Part to the holder of a bill of lading are references to any of the following persons, that is to say -

- (a) a person with possession of the bill who, by virtue of being the person identified in the bill, is the consignee of the goods to which the bill relates;
- (b) a person with possession of the bill as a result of the completion, by delivery of the bill, of any indorsement of the bill or, in the case of a bearer bill, of any other transfer of the bill;
- (c) a person with possession of the bill as a result of any transaction by virtue of which he would have become a holder falling within paragraph (a) or (b) had not the transaction been effected at a time when possession of the bill no longer gave a right (as against the carrier) to possession of the goods to which the bill relates;

and a person shall be regarded for the purposes of this Part as having become the lawful holder of a bill of lading wherever he has become the holder of the bill in good faith.

(3) References in this Part to a person's being identified in a document include references to his being identified by a description which allows for the identity of the person in question to be varied, in accordance with the terms of the document, after its issue; and the reference in section 1(3)(b) to a document's identifying a person shall be construed accordingly.

(4) Without prejudice to sections 2(2) and 4, nothing in this Part shall preclude its operation in relation to a case where the goods to which a document relates -

- (a) cease to exist after the issue of the document; or
- (b) cannot be identified (whether because they are mixed with other goods or for any other reason);

and references in this Part to the goods to which a document relates shall be construed accordingly.

(5) This Part shall have effect without prejudice to the application, in relation to any case, of the rules (the Hague-Visby Rules) which for the time being have the force of law by virtue of section 1 of the Carriage of Goods by Sea Act 1974 [c.26].

PART 2

MARINE POLLUTION

Intervention in case of pollution involving foreign ships.

6. After section 9 of the Oil Pollution Act 1986 [c.12] insert -

Application of sections 6 to 9 to certain foreign and other ships

9A. (1) The Department may by Order provide that sections 6 to 9, together with any other provisions of this Act, shall apply to a ship -

- (a) which is not registered in the Island; and
- (b) which is for the time being outside the territorial waters of the Island;

in such cases and circumstances as may be specified in the Order, and subject to such exceptions, adaptations and modifications, if any, as may be so specified.

(2) An Order under subsection (1) may contain such transitional and other consequential provisions as appear to the Department to be expedient.

(3) Except as provided by an order under subsection (1), no direction under section 6 shall apply to a ship which is not registered in the Island and which is for the time being outside the territorial waters of the Island, and no action shall be taken under subsection (4) or (5) of section 6 as respects any such ship.

(4) No direction under section 6 shall apply to any vessel of Her Majesty's navy or to any Government ship (within the meaning of section 308(4) of the Merchant Shipping Act 1995 (an Act of Parliament)) and no action shall be taken under subsection (4) or (5) as respects any such vessel or ship.

(5) The power conferred by subsection (1) shall be exercised in a manner which is in accordance with international obligations which extend to the Island."

Extension of Power to implement pollution conventions.

7. In section 14 of the Oil Pollution Act 1986 (orders to implement international conventions relating to pollution from ships, etc.) -

- (a) in subsection (1), for the words from "which relates to" to "from ships" substitute -

"which relates -

- (a) the protection and preservation of the marine environment from pollution by matter from ships;
- (b) the prevention, reduction or control of pollution of the marine environment from pollution by matter from ships;
- (c) preparedness for, response to, and international co-operation in respect of, such pollution.”;

(b) after subsection (1) insert -

"(1A) In subsection (1), "marine environment" means the sea or other waters and the atmosphere above."

(c) in subsection (4), after paragraph (a), insert -

"(aa) make provision in terms of any document which the Department or any person considers relevant from time to time;"

(d) After subsection (4), insert -

"(4A) Where an order under subsection (1) authorises the making of regulations for the purpose of giving effect to a class of agreement mentioned in subsection (1), the order also authorises the making of regulations for the purpose of giving effect to an agreement which provides for the modification of such an agreement.

(4B) Subsection (4A) applies in relation to orders and international agreements whenever made.

(4C) Regulations made under subsection (4)(c) may make provision corresponding to the provision authorised for an order by subsection (4)(a) and (b)."

PART 3

SALVAGE

Salvage Convention, 1989 to have force of law

8. (1) The provisions of the International Convention on Salvage, 1989 as set out in Part I of Schedule 1 (in this section and in Part II of that Schedule referred to "the Convention") shall have the force of law in the Isle of Man.

(2) The provisions of Part II of that Schedule shall have effect in connection with the Convention, and subsection (1) shall have effect subject to the provisions of that Part.

(3) If it appears to the Council of Ministers that there has been a revision of the Convention, it may by order make such modifications of Schedule 1 as it considers appropriate in consequence of the revision.

(4) An order under subsection (3) shall not come into operation unless it is approved by Tynwald.

(5) Nothing in subsection (1) or (2) shall affect any rights or liabilities arising out of any salvage operations started or other acts done before the day on which the amendment comes into operation.

(6) This section may be brought into operation before the entry into force of the Convention and as respects any such period any reference in the Convention to a State Party to the Convention shall be read as a reference to the Isle of Man.

(7) In the Wreck and Salvage (Ships and Aircraft) Act 1979 {c. 24] -

(a) sections 19 and 20 of the Wreck and Salvage (Ships and Aircraft) Act 1979 are repealed;

(b) in section 23(4), for "£200" there shall be substituted "£5,000".

(c) after section 25(2), insert -

" (2A) Any decision by the receiver under subsection (2) above shall be made on the basis of the criteria contained in article 13 of the International Convention on Salvage, 1989 as set out in Part I of Schedule 1 to the Merchant Shipping (Miscellaneous Provisions) Act 1996.";

(d) In section 26, at the end add -

"Any decision by the court under this section shall be made on the basis of the criteria contained in article 13 of the International Convention on Salvage, 1989 as set out in Part I of Schedule 1 to the Merchant Shipping (Miscellaneous Provisions) Act 1996."

(8) Nothing in subsection (7) shall affect any rights or liabilities arising out of any salvage operations started or other acts done before the day on which that subsection comes into operation.

PART 4

SAFETY

Extension of power to make safety regulations.

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9. In section 1 of the Merchant Shipping Act 1985 [c.3] (power to make regulations relating to the safety of ships) -

(a) in subsection (1), after paragraph (b) add-

"(c) for securing the safety of other ships and persons on them while they are within a harbour in the Island.";

(b) after subsection (3) insert -

“(3A) The power to make safety regulations shall extend to the making of regulations for the prevention of collisions -

(a) between seaplanes on the surface of water; and

(b) between ships and seaplanes,

and subsections (3)(1) and (4) to (6) and section 2(1) shall apply accordingly.”.

Safety : codes of practice.

10. After section 2 of the Merchant Shipping Act 1985 [c.3] insert -

“Codes of practice

2A. (1) For the purpose of giving practical guidance with respect to the requirements of any provision of any statutory provision relating to health and safety on Manx ships, the Department may, subject to subsection (2), -

- (a) approve and issue such codes of practice (whether prepared by it or not) as in its opinion are suitable for that purpose;
- (b) approve such codes of practice issued or proposed to be issued otherwise than by the Department (or parts of such codes) as in its opinion are suitable for that purpose.

(2) The Department shall not approve a code of practice under subsection (1) before consulting any person or body that appears to the Department to be appropriate.

(3) Where a code of practice is approved by the Department under subsection (1), the Department shall issue a Manx Shipping Notice -

- (a) identifying the code in question and stating the date on which its approval by the Department is to take effect; and
- (b) specifying the statutory provision for which the code is approved.

(4) Before the Department withdraws its approval from any code of practice approved under this section, it shall consult the same persons and bodies as it would be required to consult under subsection (2) if it were proposing to approve the code.

(5) Where the Department withdraws its approval from a code of practice approved under this section, the Department shall issue a notice in writing identifying the code in question and stating the date (not being less than 21 days after the date of the notice) on which its approval of the code of practice is to cease to have effect.

(6) A failure on the part of any person to observe any provision of an approved code of practice shall not of itself render him liable to any civil or criminal proceedings; but where in any criminal proceedings a person is alleged to have committed an offence by reason of a contravention of any requirement or prohibition imposed by or under any such provision as is mentioned in subsection (1) being a provision for which there was an approved code of practice at the time of the alleged contravention, the following subsection shall have effect with respect to that code in relation to those proceedings.

(7) Any provision of the code of practice which appears to the court to

be relevant to the requirement or prohibition alleged to have been contravened shall be admissible in evidence in the proceedings; and if it is proved that there was at any material time a failure to observe any provision of the code which appears to the court to be relevant to any matter which it is necessary for the prosecution to prove in order to establish a contravention of that requirement or prohibition, that matter shall be taken as proved unless the court is satisfied that the requirement or prohibition was in respect of that matter complied with otherwise than by way of observance of that provision of the code.

(8) In any criminal proceedings -

- (a) a document purporting to be a Manx Shipping notice issued by the Department under this section shall be taken to be such a notice unless the contrary is proved; and
- (b) a code of practice which appears to the court to be the subject of such a notice shall be taken to be the subject of that notice unless the contrary is proved.

(9) Any person duly authorised by the Department and taking any action necessary to secure the safety of Manx ships and persons on them and for protecting the health of persons on Manx ships, including the detention of a ship may include such reference to any approved code of practice as may be relevant.

(10) Any person duly appointed as an inspector by the Department to report to it should give due cognisance to any relevant code of practice when reporting -

- (a) upon the nature and causes of any accident or damage which any ship has sustained or caused, or is alleged to have sustained or caused; or
- (b) whether the provisions of any statutory provision relating to merchant shipping, or the terms of any approval, licence, consent, direction or exemption given by virtue of such provisions have been complied with; or
- (c) whether a ship and its machinery and equipment are sufficient and in good condition.

(11) A code prepared under this section shall be laid before Tynwald as soon as practicable after being prepared.”.

Investigation of marine accidents

11. (1) For section 1 of the Shipping Casualties (Inquiries, Investigation and Reports) Act 1979 [c.18] substitute -

"Investigation of marine accidents

1. (1) The Department shall, for the purpose of the investigation of any such accidents as are mentioned in subsection (2), appoint such number of persons as it may determine to be inspectors.

(2) The accidents referred to in subsection (1) are -

- (a) any accident involving a ship or ship's boat where, at the time of the accident -
 - (i) the ship is registered in the Island, or
 - (ii) the ship, or (in the case of an accident involving a ship's boat) that boat, is within the territorial sea of the Island; and
- (b) such other accidents involving ships or ships' boats as the Department may determine.

(3) The Department may by regulations make such provision as it considers appropriate with respect to the investigation of any such accidents as are mentioned in subsection (2).

- (4) Regulations under subsection (3) may, in particular, make provision -
- (a) with respect to the definition of "accident" for the purposes of this section and the regulations;
 - (b) imposing requirements as to the reporting of accidents;
 - (c) prohibiting, pending investigation, access to or interference with any vessel or ship's boat involved in an accident;
 - (d) authorising any person, so far as may be necessary for the purpose of determining whether an investigation should be carried out, to have access to, examine, remove, test, take measures for the preservation of, or otherwise deal with, any such vessel or boat or any other vessel or ship's boat;

- (e) specifying, with respect to the investigation of accidents, the functions of inspectors (which may include the function of determining whether, and if so by whom, particular accidents should be investigated) and the manner in which any such functions are to be discharged;
- (f) for the appointment by the Department in such circumstances as may be specified in the regulations, of persons to carry out investigations under this section who are not inspectors;
- (g) for the appointment by the Council of Ministers of persons to review any findings or conclusions of a person carrying out an investigation under this section;
- (h) for the procedure to be followed in connection with investigations or reviews under this section;
- (i) for conferring on persons discharging functions under the regulations who are not inspectors all or any of the powers conferred on an inspector by section 3 of the Merchant Shipping Act 1985 [c. 3];
- (j) for the submission to the Department, and the publication by it, of reports of investigations or reviews under this section;
- (k) for the publication by the Department of reports and other information relating to accidents.

(5) Regulations under this section may provide for any provisions of the regulations to apply to any specified class or description of incidents or situations which involve, or occur on board, ships or ship's boats but are not accidents for the purposes of the regulations, being a class or description framed by reference to any of the following, namely -

- (a) the loss or destruction of or serious damage to any ship or structure,
- (b) the death of or serious injury to any person, or
- (c) environmental damage,

whether actually occurring or not, and (subject to such modifications as may be specified in the regulations) for those provisions to apply in relation to any such incidents or situations as they apply in relation to accidents.

(6) Regulations under this section may provide that a contravention of the regulations shall be an offence punishable on summary conviction by a fine not exceeding £5,000 and on conviction on information by a fine.

(7) Inspectors shall discharge such functions in addition to those conferred by or under the preceding provisions of this section as the Department may determine.

(8) An inspector shall, for the purpose of discharging any functions conferred on him by or under this section, have the powers conferred on an inspector by section 3 of the Merchant Shipping Act 1985.

(9) Nothing in this section shall limit the powers of the Department under sections 16 and 16B of the Harbours (Isle of Man) Act 1961 [XIX p.538] (removal of obstructions and vessels).

(10) In this section -

(a) references to an accident involving a ship or ship's boat include references to an accident occurring on board a ship or ship's boat (and any reference to a ship or ship's boat involved in an accident shall be construed accordingly); and

(b) "ship's boat" includes a liferaft."

(2) In section 2 of the Act,

(a) for subsection (1) substitute -

"(1) Where any accident has occurred, the Department may (whether or not an investigation into it has been carried out under section 1) cause a formal investigation into the accident to be held by the High Bailiff and in this section "accident" means any accident to which regulations under that section apply or any incident or situation to which any such regulations apply by virtue of subsection (5) of that section.

(1A) The High Bailiff, when holding a formal investigation into a casualty or incident under section 1, shall conduct it in accordance with rules, and those rules shall require the assistance of one or more assessors and, if any question as to a recommendation of the cancellation or suspension of an officer's certificate is likely, the assistance of not less than two assessors."

(b) In subsection (3), for "casualty" substitute "accident".

(c) For subsections (4) and (5) substitute -

" (4) The High Bailiff may make such awards as he thinks just with regard to the costs of the investigation and of any parties at the investigation, and with regard to the parties by whom those costs are to be paid; and any such award of the High Bailiff may on the application of any party named in it, be made an order of the High Court.

(5) Any costs directed by an award to be paid shall be assessable in the same manner as costs in the High Court.

(6) The High Bailiff shall make a report on the investigation to the Department."

(3) For section 6 of that Act substitute -

Rules as to investigations and appeals

6. (1) The Department may make Rules for the conduct of formal investigations under section 2(1) and for the conduct of any rehearing under section 3 which is not held by the High Court.

(2) Without prejudice to the generality of subsection (1), rules under this section may provide for the appointment and summoning of assessors, the manner in which any facts may be proved, the persons allowed to appear, and the notices to be given to persons affected.

(3) Rules of Court made for the purpose of re-hearings under section 3 which are held by the High Court, or of appeals to the High Court, may require the court, subject to such exceptions, if any as may be allowed by the rules, to hold such a re-hearing or hold such an appeal with the assistance of one or more assessors."

(4) In section 9 of the Act, after "or 8" insert "and no regulations under this Act".

(5) The following enactments are repealed -

(a) section 5 of the Shipping Casualties (Inquiries, Investigations and Reports) Act 1979;

(b) in Schedule 1 to the Merchant Shipping Act 1985, entries 17 and 18(a).

(c) in Schedule 1 to the Fines Act 1986 [c.1], the entry relating to section 5 of the Shipping Casualties (Inquiries, Investigations and Reports) Act 1979.

PART 5

MASTERS AND SEAMEN

Manning

12 Before section 35 of the Merchant Shipping (Masters and Seamen) Act 1979 [c. 14]
insert -

“Manning

34A. (1) Subject to subsection (2), the Department may make regulations with respect to the manning of ships registered in the Island and, but without prejudice to the generality of that power, such regulations may include provisions-

- (a) requiring ships to which this section applies to carry such number of qualified officers of any description, qualified doctors and qualified cooks and such number of other seamen or qualified seaman of any description as may be specified in the regulations; and
- (b) prescribing or enabling the Department to specify standards of competence to be attained and other conditions to be satisfied (subject to any exceptions allowed by or under the regulations) by officers and other seamen of any description in order to be qualified for the purposes of this section;
- (c) regulating the hours of employment of masters and seamen employed in ships.

(2) The Department shall not exercise his power to make regulations requiring ships to carry seamen other than doctors and cooks except to the extent that it appears to him necessary of expedient in the interests of safety.

(3) Without prejudice to the generality of paragraph (1)(b), the conditions prescribed or specified under that subsection may include conditions as to nationality, and regulations made for the purposes of that paragraph may make provision, or enable the Department to make provision, for -

- (a) the manner in which the attainment of any standard or the satisfaction of any other condition is to be evidenced;
- (b) the conduct of any examinations, the conditions for admission to them and the appointment and remuneration of examiners; and
- (c) the issue, form and recording of certificates and other documents.

(4) No regulations under this section shall come into operation unless they have been approved by Tynwald.

(5) Any reference in this Act to regulations made under section 43 of the 1970 Act and having effect in the Island by virtue of an order under section 63 of this Act shall be treated as including a reference to regulations made under this section.”.

Conduct endangering ships, structures or individuals.

13. (1) For section 22 of the Merchant Shipping (Masters and Seamen) Act 1979 [c.14] substitute -

Conduct endangering ships, structures or individuals.

22. (1) This section applies -

- (a) to the master of, or any seaman employed in, a ship registered in the Island; and
- (b) to the master of, or any seaman employed in, a ship which -
 - (i) is registered under the law of any country outside the Island; and
 - (ii) is in a port in the Island or within the seaward limits of the territorial sea of the Island while proceeding to or from any such port.

(2) If a person to whom this section applies, while on board his ship or in its immediate vicinity -

- (a) does any act which causes or is likely to cause -
 - (i) the loss or destruction of or serious damage to his ship or its machinery, navigational equipment or safety equipment, or
 - (ii) the loss or destruction of or serious damage to any other ship or any structure, or
 - (iii) the death of or serious injury to any person, or
- (b) omits to do anything required -
 - (i) to preserve his ship or its machinery, navigational equipment or safety equipment from being lost, destroyed or seriously damaged, or
 - (ii) to preserve any person on board his ship from death or serious injury, or

- (iii) to prevent his ship from causing the loss or destruction of or serious damage to any other ship or any structure, or the death of or serious injury to any person not on board his ship,

and either of the conditions specified in subsection (3) is satisfied with respect to that act or omission, he shall (subject to subsections (6) and (7)) be guilty of an offence.

- (3) Those conditions are -
 - (a) that the act or omission was deliberate or amounted to a breach or neglect of duty;
 - (b) that the master or seaman in question was under the influence of drink or a drug at the time of the act or omission.

- (4) If a person to whom this section applies-
 - (a) discharges any of his duties, or performs any other function in relation to the operation of his ship or its machinery or equipment, in such a manner as to cause, or to be likely to cause, any such loss, destruction, death or injury as is mentioned in subsection (2)(a); or
 - (b) fails to discharge any of his duties, or to perform any such function, properly to such an extent as to cause, or to be likely to cause, any of those things,

he shall (subject to subsections (6) and (7)) be guilty of an offence.

- (5) A person guilty of an offence under this section shall be liable -
 - (a) on summary conviction, to a fine not exceeding £5,000;
 - (b) on conviction on indictment, to custody for a term not exceeding 2 years or a fine, or both.

- (6) In proceedings for an offence under this section it shall be a defence to prove -
 - (a) in the case of an offence under subsection (2) where the act or omission alleged against the accused constituted a breach or neglect of duty, that he took all reasonable steps to discharge that duty;

- (b) in the case of an offence under subsection (2), that at the time of the act or omission alleged against the accused he was under the influence of a drug taken by him for medical purposes and either that he took it on medical advice and complied with any directions given as part of that advice or that he had no reason to believe that the drug might have the influence it had;
- (c) in the case of an offence under subsection (4), that the accused took all reasonable precautions and exercised all due diligence to avoid committing the offence; or
- (d) in the case of an offence under either of those subsections -
 - (i) that he could have avoided committing the offence only by disobeying a lawful command, or
 - (ii) that in all the circumstances the loss, destruction, damage, death or injury in question, or (as the case may be) the likelihood of its being caused, either could not reasonably have been foreseen by the defendant or could not reasonably have been avoided by him.

(7) In the application of this section to any person falling within subsection (1)(b), subsections (2) and (4) shall have effect as if paragraphs (a)(i) and (b)(i) of subsection (2) were omitted; and no proceedings for an offence under this section shall be instituted against any such person except by or with the consent of the Attorney General.

(8) In this section -

"breach or neglect of duty", except in relation to a master, includes any disobedience to a lawful command;

"duty" -

- (a) in relation to a master or seaman, means any duty falling to be discharged by him in his capacity as such; and
- (b) in relation to a master, includes his duty with respect to the good management of his ship and his duty with respect to the safety of operation of his ship, its machinery and equipment; and

"structure" means any fixed or movable structure (of whatever description) other than a ship."

(2) In the Fines Act 1986 [c.1], in Schedule 1, the entry relating to section 22(1) of the Merchant Shipping (Masters and Seamen) Act 1979 is repealed.

Drunkenness, etc. of master of ship.

14. (1) For section 23 of the Merchant Shipping (Masters and Seaman) Act 1979 [c.14] (drunkenness of seamen) substitute -

"23. If the master of or a seaman employed in a fishing vessel registered in the Island is, while on board the vessel, under the influence of drink or a drug to such extent that his capacity to fulfil his responsibility for the vessel or, as the case may be, carry out the duties of his employment or engagement is impaired, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £2,500."

(2) In Schedule 1 to the Fines Act 1986 [c.1], the entry relating to section 23 of the Merchant Shipping (Masters and Seamen) Act 1979 is repealed.

Amendment of 1979 Act.

15. (1) In the Merchant Shipping (Masters and Seamen) Act 1979 [c.14] -

- (a) in section 1, the words "after consultation with the Secretary of State", wherever occurring, are repealed;
- (b) in section 3(3), the words "after consultation with the Secretary of State" are repealed;
- (c) in section 15A, the words "after consultation with the Secretary of State" are repealed;
- (d) in section 36(1), the words "after consultation with the Secretary of State" are repealed;
- (e) in section 51(1), for "Secretary of State", substitute "Department";
- (f) in section 67(5), the words "after consultation with the Secretary of State" are repealed;

(2) The following enactments are repealed -

- (a) section 3 of the Merchant Shipping (Masters and Seamen) Act 1979;
- (b) in Schedule 1 to the Fines Act 1986, the entry relating to section 3(4) of the Merchant Shipping (Masters and Seamen) Act 1979.

PART 6

MISCELLANEOUS PROVISIONS

Indemnity.

16. (1) Subject to the following provisions of this section, the *Department of Trade and Industry* shall, not, nor shall any member, officer or person acting pursuant to any authority or delegation conferred by the Department, be liable to any action, suit or proceeding for, or in respect of, any act or matter done or omitted to be done in good faith in the exercise, or purported exercise, of the functions conferred by or under any shipping legislation.

(2) In subsection (1), "shipping legislation" means -

- [c.3] (a) (i) the Fishing Vessels (Safety Provisions) (Isle of Man) Act 1974;
- [c.11] (ii) the Merchant Shipping (Passenger Ships' Survey) Act 1979;
- [c.13] (iii) the Merchant Shipping (Detention of Ships) Act 1979;
- [c.14] (iv) the Merchant Shipping (Masters and Seamen) Act 1979;
- [c.20] (v) the Anchors and Chain Cables Act 1979;
- [c.24] (vi) the Merchant Shipping (Load Lines) Act 1981;
- [c.15] (vii) the Merchant Shipping (Registration) Act 1984;
- [c.3] (viii) the Merchant Shipping Act 1985;
- [c.12] (ix) Part IV of the Oil Pollution Act 1986;
- [c.15] (x) the Merchant Shipping Registration Act 1991;
- [c.2] (xi) the Merchant Shipping Registration (Amendment) Act 1996;
- (xii) this Act;
- (b) any public document made under any of those Acts; and
- (c) any other statutory provision relating directly or indirectly to merchant shipping, whether passed before or after the date on which this section comes into operation.

(3) This section shall not be treated as affecting the liability of *the Department of Trade and Industry* under any statutory provision by reason only that such statutory provision does not fall within subsection (2).

- (4) Where any statutory provision apart from this section expressly provides for
- (a) the limitation of the liability of the *Department of Trade and Industry* in respect of any matter; or
 - (b) the payment of compensation or damages by the Department in respect of any matter,

this section shall not apply in respect of any such matter.

(5) Subsection (1) shall not have effect in respect of any act or matter done or omitted to be done before the date on which this section comes into operation.

- (6) Section 2(5) of the Merchant Shipping (Registration) Act 1984 is repealed.

General power to charge fees.

17. (1) The *Department of Trade and Industry* may, with the consent of the Treasury, make regulations prescribing fees to be charged by it in respect of -

- (a) the registration, survey or inspection of any vessel under any statutory provision;
- (b) the issue or recording of any certificate, licence or other document under any statutory provision relating to vessels, shipping or pollution of the marine environment;
- (c) the doing of any other thing in pursuance of any statutory provision relating to vessels, shipping or pollution of the marine environment.

(2) Regulations under this section shall not come into operation unless they are approved by Tynwald.

(3) Except in the case of fees which fall to be paid in respect of surveys carried out by persons who are not officers of the *Department of Trade and Industry*, all fees received by the Department shall be paid into the General Revenue.

(4) The enactments mentioned in Schedule 2 are repealed to the extent specified in column 3 of that Schedule.

Sums ordered to be paid leviable by distress on ship.

18. (1) Where any court has power to make an order directing payment to be made of any seaman's wages, fines or other sums of money, then if the person so directed to pay is the master or owner of the ship, and the money directed to be paid is not paid in accordance with the order, the court which made the order may direct the amount remaining unpaid to be levied by distress, of the ship and its equipment.

(2) The remedy provided by this section is in addition to any other powers for compelling the payment of money ordered to be paid.

Offences in connection with passenger ships.

19. (1) A person commits an offence if, in relation to a passenger ship, he does any of the following things, that is to say -

- (a) if, being drunk or disorderly, he has been on that account refused admission to the ship by the owner or any person in his employment, and, after having the amount of his fare (if he has paid it) returned or tendered to him, nevertheless persists in attempting to enter the ship;
- (b) if, being drunk or disorderly on board the ship, he is requested by the owner or any person in his employment to leave the ship at any place in the Island at which he can conveniently do so, and, after having the amount of his fare (if he has paid it) returned or tendered to him, does not comply with the request;
- (c) if, on board the ship, after warning by the master or other officer thereof, he molests or continues to molest any passenger;
- (d) if, after having been refused admission to the ship by the owner or any person in his employment on account of the ship being full, and having had the amount of his fare (if he has paid it) returned or tendered to him, he nevertheless persists in attempting to enter the ship:
- (e) if, having gone on board the ship at any place, and being requested, on account of the ship being full, by the owner or any person in his employment to leave the ship before it has left that place, and having had the amount of his fare (if he has paid it) returned or tendered to him, does not comply with that request;
- (f) if, on arriving in the ship at a point to which he has paid his fare, knowingly and intentionally refuses or neglects to leave the ship; and
- (g) if, on board the ship he fails, when requested by the master or other officer thereof, either to pay his fare or show such ticket or other receipt, if any, showing the payment of his fare, as is usually given to persons travelling by and paying their fare for the ship;

but his liability in respect of any such offence shall not prejudice the recovery of any fare payable by him.

(2) A person commits an offence if, on board any passenger ship he intentionally does or causes to be done anything in such a manner as to -

- (a) obstruct or damage any part of the machinery or equipment of the ship, or
- (b) obstruct, impede or molest the crew, or any of them, in the navigation or management of the ship, or otherwise in the execution of their duty on or about the ship.

(3) The master or other officer of any passenger ship, and all persons called by him to his assistance, may, without any warrant, detain any person who commits any offence against subsection (1) or (2) and whose name and address are unknown to the master or officer, and deliver that person to a constable.

(4) A person guilty of an offence under subsection (1) or (2) shall be liable, on summary conviction, to a fine not exceeding £1,000.

(5) If any person commits an offence under subsection (1) or (2) and on the application of the master of the ship, or any other person in the employment of the owner thereof, refuses to give his name and address, or gives a false name or address, that person shall be liable, on summary conviction, to a fine not exceeding £1,000.

(6) In this section, "passenger ship" has the same meaning as in the Merchant Shipping (Passenger Ships' Survey) Act 1979 [c.11].

Amendment of Registration of Pleasure Craft Act 1974

20. In section 3 of the Registration of Pleasure Craft Act 1974 [c.21], for the definition of "craft" substitute -

""craft" means every description of craft or vessel (whether with or without means of propulsion of any kind), and includes anything constructed or used to carry persons by water;"

Application of United Kingdom legislation

21. (1) In section 63 of the Merchant Shipping (Masters and Seamen) Act 1979 [c.14] (power to apply masters and seamen legislation), after subsection (1) insert -

“(1A) An order under subsection (1) may do all or any of the following -

- (a) specify the exceptions, adaptations and modifications subject to which the regulations applied by the order apply to the Island;

- (b) set out the regulations applied by the order, incorporating the exceptions, adaptations and modifications subject to which they apply to the Island;
- (c) in the case of an order applying regulations which amend previous regulations applied to the Island, set out the previous regulations so applied as amended, incorporating the exceptions, adaptations and modifications subject to which the previous regulations apply to the Island.”.

(2) In section 5 of the Merchant Shipping Act 1985 [c.3] (power to apply merchant shipping legislation), after subsection (3) insert -

“(3A) An order under subsection (1) may do all or any of the following -

- (a) specify the exceptions, adaptations and modifications subject to which the legislation of the United Kingdom applies to the Island;
- (b) set out the legislation of the United Kingdom applied by the order, incorporating the exceptions, adaptations and modifications subject to which it applies to the Island;
- (c) in the case of an order applying legislation of the United Kingdom which amends previous legislation of the United Kingdom applied to the Island, set out the previous legislation so applied as amended, incorporating the exceptions, adaptations and modifications subject to which that legislation applies to the Island.

(3b) Subsections (5) and (6) shall not apply in respect of an order setting out the relevant United Kingdom legislation in accordance with subsection (3A)(b) or (c).”.

References to United Kingdom Merchant Shipping legislation.

22. Where there is a reference in any enactment to any provision of an Act of Parliament which is repealed and re-enacted by way of consolidation in the Merchant Shipping Act 1995 (an Act of Parliament), that reference shall be treated as a reference to the provision as re-enacted unless there is something in the subject or context which is inconsistent therewith.

Short title and commencement.

23. (1) This Act may be cited as the Merchant Shipping (Miscellaneous Provisions) Act 1996.

(2) This Act shall come into force on such day as the *Department of Trade and Industry* may by order appoint and different days may be so appointed for different provisions and for different purposes.

(NOTE : The provisions of Act, with the exception of section 11, were into operation on 1st November 1996 by SD 628/96. Section 11 in operation on 1st February 2002 by SD 814/01)

SCHEDULES

SCHEDULE 1

INTERNATIONAL CONVENTION ON SALVAGE, 1989

PART I

TEXT OF CONVENTION

CHAPTER I - GENERAL PROVISIONS

ARTICLE 1

Definitions

For the purpose of this Convention -

- (a) Salvage operation means any act or activity undertaken to assist a vessel or any other property in danger in navigable waters or in any other waters whatsoever.
- (b) Vessel means any ship or craft, or any structure capable of navigation.
- (c) Property means any property not permanently and intentionally attached to the shoreline and includes freight at risk.
- (d) Damage to the environment means substantial physical damage to human health or to marine life or resources in coastal or inland waters or areas adjacent thereto, caused by pollution, contamination, fire, explosion or similar major incidents.
- (e) Payment means any reward, remuneration or compensation due under this Convention.
- (f) Organisation means the International Maritime Organisation.
- (g) Secretary-General means the Secretary-General of the Organisation.

ARTICLE 2

Application of the Convention

This Convention shall apply whenever judicial or arbitral proceedings relating to matters dealt with in this Convention are brought in a State Party.

ARTICLE 3

Platforms and drilling units

This Convention shall not apply to fixed or floating platforms or to mobile offshore drilling units when such platforms or units are on location engaged in the exploration, exploitation or production of sea-bed mineral resources.

ARTICLE 4

State-owned vessels

1. Without prejudice to article 5, this Convention shall not apply to warships or other non-commercial vessels owned or operated by a State and entitled, at the time of salvage operations, to sovereign immunity under generally recognised principles of international law unless that State decides otherwise.
2. Where a State Party decides to apply the Convention to its warships or other vessels described in paragraph 1, it shall notify the Secretary-General thereof specifying the terms and conditions of such application.

ARTICLE 5

Salvage operations controlled by public authorities

1. This Convention shall not affect any provisions of national law or any international convention relating to salvage operations by or under the control of public authorities.
2. Nevertheless, salvors carrying out such salvage operations shall be entitled to avail themselves of the rights and remedies provided for in this Convention in respect of salvage operations.
3. The extent to which a public authority under a duty to perform salvage operations may avail itself of the rights and remedies provided for in this Convention shall be determined by the law of the State where such authority is situated.

ARTICLE 6

Salvage contracts

1. This Convention shall apply to any salvage operations save to the extent that a contract otherwise provides expressly or by implication.
2. The master shall have the authority to conclude contracts for salvage operations on behalf of the owner of the vessel. The master or the owner of the vessel shall have the authority to conclude such contracts on behalf of the owner of the property on board the vessel.
3. Nothing in this article shall affect the application of article 7 nor duties to prevent or minimise damage to the environment.

ARTICLE 7

Annulment and modification of contracts

A contract or any terms thereof may be annulled or modified if--

- (a) the contract has been entered into under undue influence or the influence of danger and its terms are inequitable; or
- (b) the payment under the contract is in an excessive degree too large or too small for the services actually rendered.

CHAPTER II - PERFORMANCE OF SALVAGE OPERATIONS

ARTICLE 8

Duties of the salvor and of the owner and master

1. The salvor shall owe a duty to the owner of the vessel or other property in danger -
 - (a) to carry out the salvage operations with due care;
 - (b) in performing the duty specified in sub-paragraph (a), to exercise due care to prevent or minimise damage to the environment;
 - (c) whenever circumstances reasonably require, to seek assistance from other salvors; and
 - (d) to accept the intervention of other salvors when reasonably requested to do so by the owner or master of the vessel or other property in danger; provided however that the amount of his reward shall not be prejudiced should it be found that such a request was unreasonable.
2. The owner and master of the vessel or the owner of other property in danger shall owe a duty to the salvor-
 - (a) to co-operate fully with him during the course of the salvage operations;
 - (b) in so doing, to exercise due care to prevent or minimise damage to the environment; and
 - (c) when the vessel or other property has been brought to a place of safety, to accept re-delivery when reasonably requested by the salvor to do so.

ARTICLE 9

Rights of coastal States

Nothing in this Convention shall affect the right of the coastal State concerned to take measures in accordance with generally recognised principles of international law to protect its coastline or related interests from pollution or the threat of pollution following upon a maritime casualty or acts relating to such a casualty which may reasonably be expected to result in major harmful consequences, including the right of a coastal State to give directions in relation to salvage operations.

ARTICLE 10

Duty to render assistance

1. Every master is bound, so far as he can do so without serious danger to his vessel and persons thereon, to render assistance to any person in danger of being lost at sea.
2. The States Parties shall adopt the measures necessary to enforce the duty set out in paragraph 1.
3. The owner of the vessel shall incur no liability for a breach of the duty of the master under paragraph 1.

ARTICLE 11

Co-operation

A State Party shall, whenever regulating or deciding upon matters relating to salvage operations such as admittance to ports of vessels in distress or the provision of facilities to salvors, take into account the need for co-operation between salvors, other interested parties and public authorities in order to ensure the efficient and successful performance of salvage operations for the purpose of saving life or property in danger as well as preventing damage to the environment in general.

CHAPTER III - RIGHTS OF SALVORS

ARTICLE 12

Conditions for reward

1. Salvage operations which have had a useful result give right to a reward.
2. Except as otherwise provided, no payment is due under this Convention if the salvage operations have had no useful result.
3. This chapter shall apply, notwithstanding that the salvaged vessel and the vessel undertaking the salvage operations belong to the same owner.

ARTICLE 13

Criteria for fixing the reward

1. The reward shall be fixed with a view to encouraging salvage operations, taking into account the following criteria without regard to the order in which they are presented below -

- (a) the salvaged value of the vessel and other property;
- (b) the skill and efforts of the salvors in preventing or minimising damage to the environment;
- (c) the measure of success obtained by the salvor;
- (d) the nature and degree of the danger;
- (e) the skill and efforts of the salvors in salvaging the vessel, other property and life;
- (f) the time used and expenses and losses incurred by the salvors;
- (g) the risk of liability and other risks run by the salvors or their equipment;
- (h) the promptness of the services rendered;
- (i) the availability and use of vessels or other equipment intended for salvage operations;
- (j) the state of readiness and efficiency of the salvor's equipment and the value thereof.

2. Payment of a reward fixed according to paragraph 1 shall be made by all of the vessel and other property interests in proportion to their respective salvaged values. However, a State Party may in its national law provide that the payment of a reward has to be made by one of these interests, subject to a right of recourse of this interest against the other interests for their respective shares. Nothing in this article shall prevent any right of defence.

3. The rewards, exclusive of any interest and recoverable legal costs that may be payable thereon, shall not exceed the salvaged value of the vessel and other property.

ARTICLE 14

Special compensation

1. If the salvor has carried out salvage operations in respect of a vessel which by itself or its cargo threatened damage to the environment and has failed to earn a reward under article 13 at least equivalent to the special compensation assessable in accordance with this article, he shall be entitled to special compensation from the owner of that vessel equivalent to his expenses as herein defined.

2. If, in the circumstances set out in paragraph 1, the salvor by his salvage operations has prevented or minimised damage to the environment, the special compensation payable by the owner to the salvor under paragraph 1 may be increased up to a maximum of 30 per cent of the expenses incurred by the salvor. However, the tribunal, if it deems it fair and just to do so and bearing in mind the relevant criteria set out in article 13, paragraph 1, may increase such special compensation further, but in no event shall the total increase be more than 100 per cent of the expenses incurred by the salvor.

3. Salvor's expenses for the purpose of paragraphs 1 and 2 means the out-of-pocket expenses reasonably incurred by the salvor in the salvage operation and a fair rate for equipment and personnel actually and reasonably used in the salvage operation, taking into consideration the criteria set out in article 13, paragraph 1(h), (i) and (j).

4. The total special compensation under this article shall be paid only if and to the extent that such compensation is greater than any reward recoverable by the salvor under article 13.

5. If the salvor has been negligent and has thereby failed to prevent or minimise damage to the environment, he may be deprived of the whole or part of any special compensation due under this article.

6. Nothing in this article shall affect any right of recourse on the part of the owner of the vessel.

ARTICLE 15

Apportionment between salvors

1. The apportionment of a reward under article 13 between salvors shall be made on the basis of the criteria contained in that article.

2. The apportionment between the owner, master and other persons in the service of each salving vessel shall be determined by the law of the flag of that vessel. If the salvage has not been carried out from a vessel, the apportionment shall be determined by the law governing the contract between the salvor and his servants.

ARTICLE 16

Salvage of persons

1. No remuneration is due from persons whose lives are saved, but nothing in this article shall affect the provisions of national law on this subject.

2. A salvor of human life, who has taken part in the services rendered on the occasion of the accident giving rise to salvage, is entitled to a fair share of the payment awarded to the salvor for salving the vessel or other property or preventing or minimising damage to the environment.

ARTICLE 17

Services rendered under existing contracts

No payment is due under the provisions of this Convention unless the services rendered exceed what can be reasonably considered as due performance of a contract entered into before the danger arose.

ARTICLE 18

The effect of salvor's misconduct

A salvor may be deprived of the whole or part of the payment due under this Convention to the extent that the salvage operations have become necessary or more difficult because of fault or neglect on his part or if the salvor has been guilty of fraud or other dishonest conduct.

ARTICLE 19

Prohibition of salvage operations

Services rendered notwithstanding the express and reasonable prohibition of the owner or master of the vessel or the owner of any other property in danger which is not and has not been on board the vessel shall not give rise to payment under this Convention.

CHAPTER IV - CLAIMS AND ACTIONS

ARTICLE 20

Maritime lien

1. Nothing in this Convention shall affect the salvor's maritime lien under any international convention or national law.
2. The salvor may not enforce his maritime lien when satisfactory security for his claim, including interest and costs, has been duly tendered or provided.

ARTICLE 21

Duty to provide security

1. Upon the request of the salvor a person liable for a payment due under this Convention shall provide satisfactory security for the claim, including interest and costs of the salvor.
2. Without prejudice to paragraph 1, the owner of the salvaged vessel shall use his best endeavours to ensure that the owners of the cargo provide satisfactory security for the claims against them including interest and costs before the cargo is released.

3. The salvaged vessel and other property shall not, without the consent of the salvor, be removed from the port or place at which they first arrive after the completion of the salvage operations until satisfactory security has been put up for the salvor's claim against the relevant vessel or property.

ARTICLE 22

Interim payment

1. The tribunal having jurisdiction over the claim of the salvor may, by interim decision, order that the salvor shall be paid on account such amount as seems fair and just, and on such terms including terms as to security where appropriate, as may be fair and just according to the circumstances of the case.

2. In the event of an interim payment under this article the security provided under article 21 shall be reduced accordingly.

ARTICLE 23

Limitation of actions

1. Any action relating to payment under this Convention shall be time-barred if judicial or arbitral proceedings have not been instituted within a period of two years. The limitation period commences on the day on which the salvage operations are terminated.

2. The person against whom a claim is made may at any time during the running of the limitation period extend that period by a declaration to the claimant. This period may in the like manner be further extended.

3. An action for indemnity by a person liable may be instituted even after the expiration of the limitation period provided for in the preceding paragraphs, if brought within the time allowed by the law of the State where proceedings are instituted.

ARTICLE 24

Interest

The right of the salvor to interest on any payment due under this Convention shall be determined according to the law of the State in which the tribunal seized of the case is situated.

ARTICLE 25

State-owned cargoes

Unless the State owner consents, no provision of this Convention shall be used as a basis for the seizure, arrest or detention by any legal process of, nor for any proceedings in rem against, non-commercial cargoes owned by a State and entitled, at the time of the salvage operations, to sovereign immunity under generally recognised principles of international law.

ARTICLE 26

Humanitarian cargoes

No provision of this Convention shall be used as a basis for the seizure, arrest or detention of humanitarian cargoes donated by a State, if such State has agreed to pay for salvage services rendered in respect of such humanitarian cargoes.

ARTICLE 27

Publication of arbitral awards

States Parties shall encourage, as far as possible and with the consent of the parties, the publication of arbitral awards made in salvage cases.

PART II

PROVISIONS HAVING EFFECT IN CONNECTION WITH CONVENTION

Interpretation

1. In this Part any reference to a numbered article is a reference to the article of the Convention which is so numbered.

Claims excluded from Convention

2. (1) The provisions of the Convention do not apply -
- (a) to a salvage operation which takes place in inland waters of the Island and in which all the vessels involved are of inland navigation; and
 - (b) to a salvage operation which takes place in inland waters of the Island and in which no vessel is involved.

(2) In this paragraph "inland waters" does not include any waters within the ebb and flow of the tide at ordinary spring tides or the waters of any dock which is directly or (by means of one or more docks) indirectly, connected with such waters.

Assistance to persons in danger at sea

- 3.- (1) The master of a vessel who fails to comply with the duty imposed on him by article 10 paragraph 1 commits an offence and shall be liable -
- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding £5,000 or both;
 - (b) on conviction on information, to imprisonment for a term not exceeding 2 years or a fine, or both.

(2) Compliance by the master of a vessel with that duty shall not affect his right or the right of any other person to a payment under the Convention or under any contract.

The reward and special compensation: the common understanding

4. In fixing a reward under article 13 and assessing special compensation under article 14 the court or arbitrator is under no duty to fix a reward under article 13 up to the maximum salvaged value of the vessel and other property before assessing the special compensation to be paid under article 14.

Recourse for life salvage payment

5. (1) This paragraph applies where -
- (a) services are rendered wholly or in part in Manx waters in saving life from a vessel of any nationality or elsewhere in saving life from any Manx ship; and
 - (b) either -
 - (i) the vessel and other property are destroyed, or
 - (ii) the sum to which the salvor is entitled under article 16, paragraph 2 is less than a reasonable amount for the services rendered in saving life.

(2) Where this paragraph applies, the **Department of Trade and Industry** may, if it thinks fit, pay to the salvor such sum or, as the case may be, such additional sum as it thinks fit in respect of the services rendered in saving life.

(3) In this paragraph "Manx ship" means a ship registered in the Isle of Man.

Meaning of "judicial proceedings"

6. References in the Convention to judicial proceedings are references to proceedings in the High Court and any reference to the tribunal having jurisdiction (so far as it refers to judicial proceedings) shall be construed accordingly.

Meaning of "State Party"

7. (1) The Council of Ministers may, for the purposes of this paragraph, by order declare that any State specified in the Order is a party to the Convention in respect of a specified country shall, subject to the provisions of any subsequent Order made for those purposes, such an Order shall be conclusive evidence that the State is a party to the Convention in respect of that country.

(2) In this paragraph "country" includes "territory".

SCHEDULE 2

REPEAL OF ENACTMENTS ENABLING THE PRESCRIBING OF FEES.

<i>Reference</i>	<i>Short title</i>	<i>Extent of repeal</i>
1974 c.3	Fishing Vessels (Safety Provisions) (Isle of Man) Act 1974.	Section 6
1979 c.11	Merchant Shipping (Passenger Ships' Survey) Act 1979.	Section 9 In section 16, the words "and the amount of fees".
1979 c.14	Merchant Shipping (Masters and Seamen) Act 1979.	Section 63A
1979 c.18	Shipping Casualties (Inquiries Investigations and Reports) Act 1979.	Section 8
1981 c.24	Merchant Shipping (Load Lines) Act 1981.	Section 21.
1985 c.3	Merchant Shipping Act 1985.	Section 1(3)(s) In Schedule 1, entry 2 and 14.
1985 c.25	Treasury Act 1985	In Schedule 2, entry 243; 315; 317; 320; 386.
1986 c.12	Oil Pollution Act 1986	In section 14(3)(b), the words from "and the payment" to "Treasury".
1991 c.15	Merchant Shipping Registration Act 1991.	Section 76(2)