EXPLANATORY MEMORANDUM TO

THE LIMITATION OF LIABILITY FOR MARITIME CLAIMS (PARTIES TO CONVENTION) ORDER 1986 AND THE CARRIAGE OF PASSENGERS AND THEIR LUGGAGE BY SEA (PARTIES TO CONVENTION) ORDER 1987 (REVOCATION) ORDER 2014

2014 No. 1355

1. This explanatory memorandum has been prepared by the Department for Transport by Command of Her Majesty.

2. Purpose of the instrument

2.1 This Order revokes two orders that are no longer of practical effect.

3. Matters of special interest to the Joint Committee on Statutory Instruments.

3.1 None

4. Legislative Context

4.1 This Order revokes (in chronological order):

- The Limitation of Liability for Maritime Claims (Parties to Convention) Order 1986 (S.I 1986 No. 2224);
- The Carriage of Passengers and their Luggage by Sea (Parties to Convention) Order 1987 (S.I. 1987 No. 931).

4.2 This Order forms part of the implementation of the Government's 'Red Tape Challenge' initiative. More information about this programme of work, and the instruments revoked by this Order, is provided below.

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

As the instrument does not amend primary legislation, no statement is required.

7. Policy background

- ***What is being done and why***

7.1 In November 2011 the Government launched, as part of its Red Tape Challenge programme, the wholesale review of all maritime statutory instruments. Following a rigorous process of challenge, stakeholder engagement and public

consultation, 63% of the instruments were identified as being suitable for either revocation or improvement.

7.2 The Orders set out below relate to international maritime Conventions which were adopted by the International Maritime Organisation (IMO), which is the United Nations specialized agency with responsibility for the safety and security of shipping and the prevention of marine pollution by ships.

7.3 *The Limitation of Liability for Maritime Claims (Parties to Convention) Order 1986 (S.I 1986 No. 2224).* Section 17 of and Schedule 4 to the Merchant Shipping Act 1979 gave effect in the United Kingdom to the Convention of Limitation of Liability for Maritime Claims 1976, which was set out in Part 1 of Schedule 4. This Order set out the States which were parties to the Convention, the territories in respect of which they were parties, and the dates of the entry into force of the Convention for those States. The Order has not been amended to include changes since coming into force and the information that it contained is now out of date. Furthermore, an up to date list of contracting parties to the Convention (and its subsequent Protocols) is now available electronically via the International Maritime Organisation's (IMO) website: (http://www.imo.org/About/Conventions/ListOfConventions/Pages/Default.aspx)

7.4 *The Carriage of Passengers and their Luggage by Sea (Parties to Convention Order 1987 (S.I. 1987 No. 931).* The Order set out the States which were parties to the 1974 Athens Convention and countries where the Convention was in force as of 18th May 1987. The Convention established a regime of liability for damage suffered by passengers carried on a seagoing vessel. Section 14 of and Schedule 3 to the Merchant Shipping Act 1979 gave effect in the United Kingdom to the Convention relating to the Carriage of Passengers and their Luggage by Sea, and which was set out in Part I of Schedule 3 to that Act. The Order has not been amended to include changes since coming into force and the information that it contains is now out of date. Furthermore, an up to date list of contracting parties to the Convention (and its subsequent Protocols) is now available electronically via the International Maritime Organisation's (IMO) website: (http://www.imo.org/About/Conventions/ListOfConventions/Pages/Default.aspx)

- ***Consolidation***

7.5 As this Order simply revokes the two orders no consolidation is required.

8. Consultation outcome

8.1 No further consultation was carried out beyond the original Red Tape Challenge initiative set out in paragraph 7.1.

9. Guidance

9.1 No publicity or guidance is required as the two instruments being revoked are no longer of practical effect.

10. Impact

10.1 The impact on business, charities or voluntary bodies is nil.

10.2 The impact on the public sector is nil.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 There is no requirement for monitoring and reviewing this Order due to the nature of revocation.

13. Contact

Andrew Angel at the Department for Transport, tel: 020 7944 5452 or email: Andrew.angel@dft.gsi.gov.uk can answer any queries regarding the instrument.