STATUTORY INSTRUMENTS

1978 No. 1466 (C. 41)

MERCHANT SHIPPING

The Merchant Shipping Act 1974 (Commencement No. 3) Order 1978

Made - - - - 9*th October* 1978

Coming into Operation 16*th October* 1978

The Secretary of State, in exercise of powers conferred by section 24(2) and (3) of the Merchant Shipping Act 1974(**a**) (hereinafter referred to as "the Act") and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Merchant Shipping Act 1974 (Commencement No. 3) Order 1978 and shall come into operation on 16th October 1978.

2.—(1) Subject to paragraph (2) below, the provisions of the Act specified in the first column of the Schedule to this Order (which relate to the matters specified in the second column of that Schedule) shall come into operation on 16th October 1978.

(2) Notwithstanding paragraph (1) of this Article:

(*a*) the Fund shall incur no obligation whatsoever under section 4 or 5 of the Act in respect of incidents occurring within a period of 120 days after the entry into force of the Fund Convention;

(*b*) claims for compensation under section 4 of the Act and claims for indemnification under section 5 of the Act, arising from incidents occurring later than 120 but not later than 240 days after the entry into force of that Convention, may not be brought against the Fund prior to the elapse of the 240th day after the entry into force of that Convention.

(3) In paragraph (2) of this Article:

(*a*) "the Fund" has the same meaning as in section 1(1)(*c*) of the Act;

(*b*) "the Fund Convention" has the same meaning as in section 1(1)(*b*) of the Act; and

(*c*) "the entry into force of that Convention" means the date on which the Fund Convention enters into force, that is to say, 16th October 1978.

Stanley Clinton Davis,

Parliamentary Under-Secretary of State,
Department of Trade.

9th October 1978.

(**a**) 1974 c. 43.

THE SCHEDULE

Provisions of the Act	Subject matter of provisions
Section 1	Interpretation of Part I.
Section 2	Contributions by importers of oil and others.
Section 4	Liability of the Fund.
Section 5	Indemnification of shipowners where damage is caused by ship registered in Fund Convention country.
Section 6	Jurisdiction and effect of judgments.
Section 7	Extinguishment of claims.
Section 8	Subrogation and rights of recourse.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order brings into force on 16th October 1978 the remaining provisions of Part I of the Merchant Shipping Act 1974 specified in the Schedule to the Order in respect of the Fund set up by the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage 1971 (Cmnd. 5061). The Fund Convention, to which the United Kingdom is a party, enters into force on that date.

The Order gives effect to Article 35 (transitional provisions) of the Fund Convention, which provides that the Fund is under no obligation in respect of incidents occurring within 120 days after 16th October 1978 and that claims for compensation or indemnification in respect of incidents occurring later than 120 days but not later than 240 days after 16th October 1978, may not be brought against the Fund until after that 240 day period.

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