STATUTORY INSTRUMENTS

1987 No. 635 (C. 16)

MERCHANT SHIPPING

The Merchant Shipping Act 1979 (Commencement No. 11) Order 1987.

Made - - - - *2nd April 1987*

Whereas subsections (1) and (2) of section 14 of the Merchant Shipping Act 1979 provide for the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea (set out in Schedule 3 to that Act) to have the force of law in the United Kingdom but those subsections do not come into force until an order for that purpose is made under section 52(2) of the Act:

And whereas by virtue of section 16(1) of that Act the Carriage of Passengers and their Luggage by Sea (Interim Provisions) Order 1980(a) provides for the said Athens Convention to apply to certain contracts for international carriage (being contracts made on or after 1st January 1981 but, by virtue of Article 3 of that Order, only until such time as subsections (1) and (2) of the said section 14 come into force:

And whereas a draft of this Order has been laid before Parliament in accordance with section 16(5) of the Merchant Shipping Act 1979(b) (hereinafter referred to as "the Act") and has been approved by a resolution of each House of Parliament:

Now therefore the Secretary of State for Transport, in exercise of powers conferred on him by sections 16(4) and 52(2) of 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 1979 (Commencement No. 11) Order 1987.

2. 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 force on 30th April 1987.

3. Notwithstanding Article 3(1) of the Carriage of Passengers and their Luggage by Sea (Interim Provisions) Order 1980, nothing in this Order affects the operation of that Order with respect to matters arising after the commencement of this Order in connection with any contract referred to in Article 2(a) or (b) of the said Order of 1980 and made before 30th April 1987.

Michael Spicer
Signed by authority of the Secretary of State Parliamentary Under Secretary of State,
2nd April 1987 Department of Transport

(a) S.I. 1980/1092.
(b) 1979 c.39.

SCHEDULE

PROVISIONS COMING INTO FORCE ON 30th APRIL 1987

Provisions of the Act	*Subject matter of the provisions*
Section 14(1), (2), (4), (5), (6) (except in its application to subsection (3)) and (7).	Convention relating to the Carriage of Passengers and their Luggage by Sea to have force of law.
Section 15(2) so far as not already in force.	Provisions concerning Orders in Council under section 14(4) or (5).
Schedule 3, Parts I and II.	Text of the Convention and provisions having effect in connection with it.

EXPLANATORY NOTE

(This note is not part of the Order)

The Order brings into force on 30th April most of section 14 of the Merchant Shipping Act 1979, which gives the force of law in the United Kingdom to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea (set out in Schedule 3 to the Act). The Convention comes into force internationally on 28th April 1987.

The Order does not bring into force section 14(3) of the 1979 Act (nor consequently section 14(6) as it applies to section 14(3)), because that provision implements the Protocol to the Convention (which substitutes Special Drawing Rights for gold francs as the unit of account) and this Protocol is not yet in force.

The Order also brings into force section 15(2) so far as it is not already in force, and Schedule 3, Parts, I and II.

The Order also contains a transitional provision preserving the effect of the Carriage of Passengers and their Luggage by Sea (Interim Provisions) Order 1980 for contracts for international carriage made before 30th April 1987.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Merchant Shipping Act 1979 have been brought into force by commencement orders made before the date of this Order:–

Provision	*Date of Commencement*	*S.I. No.*
ss. 1 to 6, Sch. 1	1.8.79	1979/807
ss. 7,8(1), (2), (4) and that part of (6) which relates to s. 14 of the Pilotage Act 1913, 9 to 11	4.7.80 and 1.9.80	1980/923
ss. 12, 13(1) in relation to Sch. 2, paras. 1 to 4, 5(2), 6, 7, 10(2), 11, 12, 14 to 19, 20(1), the former part of 20(2), 21 to 27	1.8.79, 1.10.79 and 1.1.80	1979/807
s. 13(1) in relation to Sch. 2, paras. 5(1), 8, 9, 10(1), 13(3), and the latter part of 20(2)	1.1.80 4.7.80 and 1.9.80	1979/807 1980/923
s. 13(2) to (5)	1.8.79	1979/807
s. 15(1) and the latter part of (2)	17.12.79	1979/1578
s. 16	1.8.79	1979/807
ss. 17, 18 and 19(1) and (4)	1.12.86	1986/1052
s. 19(2), (3)	17.12.79	1979/1578
ss. 20 to 22, 26 to 30, 32(1) 33, 34, 35(1) except in relation to fishing vessels and 36(1)	1.8.79, 1.10.79 and 1.1.80	1979/807
s. 23(7)	31.12.85	1985/1827
s. 31	3.5.83	1983/440
s. 32(2) and (3)	1.7.83	1982/1616
s. 36(2)	1.4.80	1980/354
s. 36(3), 37(1) to (3), (5), (7) and (8)	1.8.79	1979/807
s. 37(4)	1.1.83	1982/1616
s. 38(5)	17.12.79	1979/1578
s. 38(1), (2), (3) and (6)	8.4.81	1981/405
ss. 39 to 45, 46 (partially), Sch. 6	1.8.79 and 1.1.80	1979/807
s. 46 (remainder)	4.7.80	1980/923
s. 47(1), (2) (partially) and (3)	1.8.79, 1.10.79 and 1.1.80	1979/807
s. 47(2)	17.12.79 and 14.9.83	1979/1578 and 1983/1312
ss. 48, 49, 50(1) and (2)	1.8.79	1979/807

Provision	*Date of Commencement*	*S.I. No.*
s. 50(3)	4.7.80	1980/923
s. 50(4) and Sch. 7 (partially)	1.8.79, 1.10.79 and 1.1.80 1.4.80 4.7.80 and 1.9.80 8.4.81 3.5.83 31.12.85 1.12.86	 1979/807 1980/354 1980/923 1981/405 1983/440 1985/1827 1986/1052
ss. 51(1), (3) and 52	1.8.79	1979/807
s. 51(2) (partially)	1.1.83	1982/1616
Sch. 3, Part I has been brought into force for some purposes, with modification, by the Carriage of Passengers and their Luggage by Sea (Interim Provisions) Order 1980 (S.I. 1980/1092) made under the powers in section 16(1), (2) and (5)	1.1.81	1980/1092
Schedules 4 and 5	1.12.86	1986/1052.

Note

1. Sections 1 to 13, Schedule 2, paragraph 2 of Schedule 5 and the entries relating to the Pilotage Act 1913 (c.31 (2 & 3 Geo.5)) in Part II of Schedule 7 have been repealed by and re-enacted in the Pilotage Act 1983 (c.21) (a consolidated Act).
2. Section 35(1) has ceased to have effect.

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