STATUTORY INSTRUMENTS

1986 No. 1040

MERCHANT SHIPPING

The Merchant Shipping (Liability of Shipowners and Others) (Calculation of Tonnage) Order 1986

Made - - - - -	23*rd June* 1986
Laid before Parliament	3*rd July* 1986
Coming into Operation	1*st December* 1986

The Secretary of State for Transport in exercise of the powers conferred on him by paragraph 5 of Part II of Schedule 4 to the Merchant Shipping Act 1979**(a)** 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 (Liability of Shipowners and Others) (Calculation of Tonnage) Order 1986 and shall come into operation on 1st December 1986.

2.—(1) For the purposes of article 6 of the Convention on Limitation of Liability for Maritime Claims 1976**(b)** and of paragraph 5 of Part II of Schedule 4 to the Merchant Shipping Act 1979, the gross tonnage of a ship shall be calculated in accordance with regulations 4 to 6 of the Merchant Shipping (Tonnage) Regulations 1982**(c)**.

(2) In the case of a ship of which, at the time when limitation is claimed, the tonnage has not been and cannot be ascertained in accordance with paragraph (1) above, the best evidence available of the measurements of the ship shall be used in calculating the tonnage of the ship according to those regulations.

John Moore,
Secretary of State for Transport.

23rd June 1986.

(a) 1979 c. 39.
(b) Set out in Part I of Schedule 4 to the Merchant Shipping Act 1979.
(c) S.I. 1982/841.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

The Order provides that, for the purposes of the Convention on Limitation of Liability for Maritime Claims 1976, set out in and implemented by the Merchant Shipping Act 1979, a ship's gross tonnage (being the tonnage by relation to which the ship's liability may be limited) is to be calculated in accordance with regulations 4 to 6 of the Merchant Shipping (Tonnage) Regulations 1982. These implement the rules for measuring gross tonnage set out in Annex 1 of the International Convention on Tonnage Measurement of Ships, 1969 (Cmnd 4332). The best available evidence of the measurements of a ship will be used when the tonnage of a ship claiming limitation has not previously been ascertained and cannot be ascertained.

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