

ELIZABETH II



Merchant Shipping (Safety Convention) Act 1977

1977 CHAPTER 24

An Act to enable effect to be given to the International Convention for the Safety of Life at Sea signed in London on 1st November 1974, and for purposes connected therewith. [23rd July 1977]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) The provisions of this section shall have effect for the purpose of enabling effect to be given to the International Convention for the Safety of Life at Sea signed in London on 1st November 1974 (in this Act referred to as “the 1974 Convention”) which replaces the International Convention for the Safety of Life at Sea signed in London on 17th June 1960 (in this Act referred to as “the 1960 Convention”).

Modifications of 1949 and 1964 Acts for purposes of 1974 Convention.

(2) The Merchant Shipping (Safety Convention) Act 1949 (in this Act referred to as “the 1949 Act”) shall have effect as if—

(a) the expression “the Safety Convention”, except where it appears in the preamble, referred to the 1974 Convention; and

(b) references therein to that Act, except in subsections (1) and (4) of section 37 (commencement and citation), included references to this Act.

1964 c. 47.

(3) The Merchant Shipping Act 1964 (in this Act referred to as “the 1964 Act”) shall have effect—

- (a) with the omission in section 1 (which applies the 1949 Act to the 1960 Convention and construes references to that Act as including references to the 1964 Act) of the words from the beginning to “as ‘the Safety Convention’)” and paragraph (a); and
- (b) with the omission of subsections (1) to (3) of section 18 (transitional provisions); and
- (c) as if the expression “the Convention” referred to the 1974 Convention.

(4) In the following enactments, namely,—

- (a) section 1(1) of the 1949 Act (construction rules), and
- (b) subsections (1) and (2) of section 2 of the 1964 Act (cargo ship construction and survey rules),

after the words “and machinery of”, in each place where they occur, there shall be inserted the words “and the fuel used in”.

(5) In subsection (7) of section 24 of the 1949 Act (definitions of the expressions “grain” and “ship carrying a cargo of grain”)—

- (a) after the words “pulses and seeds” there shall be inserted the words “whether in natural or processed form”; and
- (b) the words from “and the expression ‘ship carrying a cargo of grain’” to the end of the subsection shall be omitted.

Nuclear ship rules.

2. For the purpose of enabling effect to be given to the provisions of Chapter VIII of the Annex to the 1974 Convention (nuclear ships), so far as those provisions are not implemented by or under any provision of the Merchant Shipping Acts 1894 to 1974, the Secretary of State may make such rules as he considers appropriate with respect to ships provided with nuclear power plants.

Amendments of Merchant Shipping Acts consequential on amendments to 1974 Convention.

3.—(1) Her Majesty may from time to time by Order in Council make such modifications of the Merchant Shipping Acts 1894 to 1974 and this Act as appear to Her to be necessary to enable effect to be given to any amendment of the 1974 Convention which is made in accordance with Article VIII thereof (which provides for amendments made either after consideration within the Inter-Governmental Maritime Consultative Organisation or by a specially convened conference of contracting governments).

(2) Without prejudice to the generality of subsection (1) above, the power to make modifications by virtue of that subsection includes power so to amend an enactment as to extend the scope of the rules or regulations which may be made under or by virtue of that enactment.

(3) An Order in Council under subsection (1) above may contain such transitional and consequential provisions as appear to Her Majesty to be appropriate and may vary or revoke a previous Order in Council made under that subsection.

(4) No recommendation shall be made to Her Majesty to make an Order in Council under subsection (1) above unless a draft of the Order has been approved by a resolution of each House of Parliament.

4.—(1) This Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint. Commencement and transitional provisions.

(2) The Secretary of State may by regulations provide that for such purposes, for such a period and subject to such conditions as may be specified by or under the regulations—

- (a) any country which, immediately before the commencement of this Act, was a country to which the 1960 Convention applied shall be treated for the purposes of the 1949 Act and the 1964 Act as if it were a country to which the 1974 Convention applies; and
- (b) any certificate which, immediately before the commencement of this Act, was an accepted Safety Convention certificate within the meaning of the 1949 Act, as amended by the 1964 Act, may be treated as if it were an accepted Safety Convention certificate within the meaning of the 1949 Act, as amended by this Act.

(3) The reference in paragraph (b) of subsection (2) above to a certificate which, immediately before the commencement of this Act, was an accepted Safety Convention certificate within the meaning of the 1949 Act, as amended by the 1964 Act, includes a reference to a certificate which—

- (a) purports to have been issued in accordance with the International Convention for the Safety of Life at Sea 1948 in respect of a ship registered outside the United Kingdom; and
- (b) immediately before the commencement of this Act was treated by virtue of regulations under the 1964 Act as an accepted Convention certificate within the meaning of that Act and the 1949 Act.

Citation,
construction
and extent.

5.—(1) This Act may be cited as the Merchant Shipping (Safety Convention) Act 1977, and this Act and the Merchant Shipping Acts 1894 to 1974 may be cited together as the Merchant Shipping Acts 1894 to 1977.

(2) This Act shall be construed as one with the Merchant Shipping Acts 1894 to 1974 and, without prejudice to the generality of this provision, references in those Acts to the Merchant Shipping Acts shall be construed as including references to this Act.

1968 c. 59.

(3) In section 1 of the Hovercraft Act 1968 (power to make Orders in Council with respect to hovercraft) the reference in paragraph (h) of subsection (1) to any enactment or instrument relating to ships shall be construed as including a reference to this Act and any instrument made under it.

(4) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended by or under any other enactment.

(5) This Act extends to Northern Ireland.

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