



## THE MERCHANT SHIPPING ACT 1985

### MERCHANT SHIPPING (DISTRESS MESSAGES) REGULATIONS 1999

*Coming into operation : 16<sup>th</sup> August, 1999*

In exercise of the powers conferred on the Department of Trade and Industry by sections 1(1), (3) and (5), and 2(1) and (3) of the Merchant Shipping Act 1985 <sup>(a)</sup>, and of all other enabling powers, and after consultation with the Secretary of State and those persons referred to in section 2(2) of that Act, the following Regulations are hereby made:-

#### **Citation and commencement**

1. These Regulations may be cited as the Merchant Shipping (Distress Messages) Regulations 1999 and shall come into operation on 16<sup>th</sup> August, 1999.

#### **Regulations 2-7**

Regulations 2 – 7 of these Regulations is revoked by Revoked by SD269/04 Merchant Shipping (Safety of Navigation – SOLAS Chapter V) Regulations 2004 with effect from 1<sup>st</sup> August 2004.

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(a) 1985 c. 3. Functions transferred to the Department of Trade and Industry by the Transfer of Functions (Marine Administration) Order 1997 (SD 51/97)

## **Modifications**

8. (1) Section 93 of the Merchant Shipping Act 1995 (an Act of Parliament) as it has effect in the Island <sup>(b)</sup> shall be modified as follows.

(2) In subsection (1) -

(a) after the words “a signal of distress” there shall be added the words “from an aircraft”; and

(b) for the words “a ship or” there shall be substituted the word “an”.

(3) Subsection (2) shall be omitted.

(4) In subsection (3), for “subsections (1) and (2)” there shall be substituted “subsection (1)”.

(5) Subsection (4) shall be omitted.

(6) In subsection (5), the words “, and, if his ship has been requisitioned, from the duty imposed by subsection (2) above,” shall be omitted.

Dated 2<sup>nd</sup> August, 1999

*David North,*

Minister for Trade and Industry

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(b) 1995 c. 21. Section 93 is applied to the Island by the Merchant Shipping Act 1995 (Application) Order 1999 (SD 23/99)

### **Explanatory Note**

*(This note is not part of the Regulations)*

These Regulations modify section 93 of the Merchant Shipping Act 1995 by omitting from that section provision made in respect of persons on or from a ship in distress at sea. These provisions are re-enacted in these Regulations with amendments.

Regulations 2 – 7 of these Regulations has been revoked and replaced by SD269/04 Merchant Shipping (Safety of Navigation – SOLAS Chapter V) Regulations 2004 with effect from 1<sup>st</sup> August 2004.

**Text of Section 93 of the Merchant Shipping Act 1995 (an Act of Parliament) as it has effect in the Island marked with the modifications made by section 8 of these Regulations.**

**Obligation to assist aircraft, in distress.**

**93.** (1) The master of a ship, on receiving at sea a signal of distress from an aircraft or information from any source that an aircraft is in distress, shall proceed with all speed to the assistance of the persons in distress (informing them if possible that he is doing so) unless he is unable, or in the special circumstances of the case considers it unreasonable or unnecessary, to do so, or unless he is released from this duty under subsection (4) or (5) below.

(2) [Omitted]

(3) The duties imposed on the master of a ship by subsection (1) above apply to the masters of *Manx* ships and to the masters of foreign ships when in *Manx* waters.

(4) [Omitted]

(5) A master shall be released from the obligation imposed by subsection (1) above [...] if he is informed by the persons in distress, or by the master of any ship that has reached the persons in distress, that assistance is no longer required.

(6) If a master fails to comply with the preceding provisions of this section he shall be liable

(a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding £5,000, or both;

(b) on conviction on *information* to imprisonment for a term not exceeding two years or to a fine, or both.

(7) Compliance by the master of a ship with the provisions of this section shall not affect his right, or the right of any other person, to salvage.