



MERCHANT SHIPPING ACT 1995

MERCHANT SHIPPING (LIABILITY OF SHIPOWNERS AND OTHERS) (CALCULATION OF TONNAGE) ORDER 2000

Approved by Tynwald : 12th December, 2000

Coming into operation : 19th December, 2000

In exercise of the powers conferred on the Department of Trade and Industry by paragraph 5 of Part II of Schedule 7 to the Merchant Shipping Act 1995 (an Act of Parliament) as it has effect in the Isle of Man ^(a), and of all other powers enabling it in that behalf, the following Order is hereby made:-

Citation, commencement and interpretation

1. (1) This Order may be cited as the Merchant Shipping (Liability of Shipowners and Others) (Calculation of Tonnage) Order 2000 and, subject to section 306 of the 1995 Act, shall come into operation on 19th December 2000.

(2) In this Order “the 1995 Act” means the Merchant Shipping Act 1995 (an Act of Parliament) as it has effect in the Isle of Man.

Calculation of tonnage

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 7 to the 1995 Act, the gross tonnage of a ship shall be calculated in accordance with regulations 4 to 6 of the Merchant Shipping (Tonnage) Regulations 1998 ^(c).

(a) 1995 c. 21 applied to the Isle of Man by S.D. 23/99. Schedule 7 is amended by S.I. 1998/1258 applied to the Isle of Man by SD 386/00.

(b) Set out in Part I of Schedule 7 to the Merchant Shipping Act 1995.

(c) SD 513/98.

(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), the best evidence available of the measurements of the ship shall be used in calculating the tonnage of the ship according to those regulations.

Dated 8th. November, 2000

David North,

Minister for Trade and Industry

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 1995, an Act of Parliament applied to the Island by SD 23/99, 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 1998. These implement the rules for measuring gross tonnage set out in Annex I 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.