

Merchant Shipping (Amendment) Act, 2002

Section 20 - Amendment of Section 352d

In section 352D of the principal Act,-

(i) in sub-section (5), for clause (a), the following clause shall be substituted, namely:-

'(a) "Convention country" means a country in which the Convention on Limitation of Liability for Maritime Claims, 1976 as amended from time to time is for the time being in force;'

(ii) after sub-section (5), the following sub-sections shall be inserted, namely:

"(6) Notwithstanding anything contained in sub-sections (1) to (4), the vessels or other property referred to in sub-section (1) shall be ordered to be released if the limitation Fund has been constituted,-

(a) in the port where the occurrence took place, or, if it took place out of port, in the first port of call thereafter;

(b) in the port of disembarkation in respect of claims for loss of life or personal injury; or

(c) in the port of discharge in respect of damage to cargo.

(7) The provision of sub-section (6) shall apply only if the claimant brings a claim against the limitation Fund before the High Court administering the Fund and the Fund is actually available and freely transferable in respect of that claim."
