

Merchant Shipping (Amendment) Act, 2002

Section 21 - Substitution of New Section for Section 352e

For section 352E of the principal Act, the following section shall be substituted, namely:-

"352E. Scope of application.

-(1) The provisions of this Part shall apply whenever any person referred to in sub-section (1) of section 352A seeks to limit his liability before the Court or seeks to procure the release of a ship or other property or the discharge of any guarantee given within the Indian jurisdiction but any person referred to in sub-section (1) of section 352A who at the time when the provisions under this Part are invoked before any Court in India does not have his habitual residence in India or does not have his principal place of business in India or any ship in relation to which the right of limitation is invoked or whose release is sought and which does not at the time specified above fly the flag of the State, which is a party to the Convention, is wholly excluded from the provisions of this Part.

(2) The provisions of this Part shall not be applicable to the following vessels unless the Central Government, by notification, specify otherwise,-

- (a) ships intended for navigation on or around coast of India and registered as coastal vessels under the provisions of this Act;
- (b) ships less than three hundred tons;
- (c) air-cushion vehicles;
- (d) floating platforms constructed for the purpose of exploring or exploiting the natural resources of the sea-bed or the subsoil thereof."