Changes to Legislation: as of 11 November 2026, this Act is up to date with all changes known to be in force.



1894 (57 & 58 Vict.) c. 60

MERCHANT SHIPPING ACT 1894

REVISED

Updated to 29 July 2025

This Revised Act is an administrative consolidation of the *Merchant Shipping Act 1894*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Statute Law Revision Act 2025* (10/2025), enacted 23 July 2025, and all statutory instruments up to and including the *Merchant Shipping (Cargo Ship Safety Equipment Survey) Regulations 2025* (S.I. No. 381 of 2025), made 29 July 2025, were considered in the preparation of this Revised Act.

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1894 (57 & 58 Vict.) c. 60

MERCHANT SHIPPING ACT 1894

REVISED

Updated to 29 July 2025

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Repeal

1894 (57 & 58 Vict.) c. 60

MERCHANT SHIPPING ACT 1894

REVISED

Updated to 29 July 2025

CHAPTER LX.

AN ACT to consolidate Enactments relating to Merchant Shipping. [25th August 1894.]

Annotations

Modifications (not altering text):

C1 Collectively cited *Merchant Shipping Acts 1894 to 2010* applied with modifications (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), ss. 13(2), 51(3), commenced on enactment.

Cargo ship safety certificate.

13.— ...

(2) The provisions of the Merchant Shipping Acts relating to the issue, the period of validity, the granting of an extension or the cancellation of a safety equipment certificate, a radio certificate or a cargo ship safety construction certificate apply to a cargo ship safety certificate, in respect of the certificate concerned, as if it were the certificate.

...

Application (Chapter 5).

51.— ...

(3) The following provisions of the Merchant Shipping Acts do not apply to a vessel's tender, namely—

(a) section 271 of the Principal Act,

(b) section 10, 15, 18 or 20 of the Act of 1952,

(c) section 6 or 15 of the Act of 1992,

(d) section 8 of the Act of 1992 or that section as applied by the European Communities (Passenger Ships) Regulations 2004 (S.I. No. 716 of 2004), and

(e) section 82 or 84 of this Act.

C2 Functions under collectively cited *Merchant Shipping Acts* transferred and references to "Department of Communications, Marine and Natural Resources" and "Minister for Communications, Marine and Natural Resources" construed (1.01.2006) by *Maritime Transport, Safety and Security (Transfer of Departmental Administration and Ministerial Functions) Order 2005* (S.I. No. 842 of 2005), arts. 3, 4 and sch. 1 part 1, in effect as per art. 1(2), subject to transitional provisions in arts. 5-9.

2. (1) The administration and business in connection with the performance of any functions transferred by this Order are transferred to the Department of Transport.

(2) References to the Department of Communications, Marine and Natural Resources contained in any Act or instrument made thereunder and relating to any administration and business transferred by paragraph (1) of this Article shall, from the commencement of this Order, be construed as references to the Department of Transport.

3. The functions conferred on the Minister for Communications, Marine and Natural Resources—

(a) by or under the Acts specified in Part 1

...

of the Schedule to this Order are transferred to the Minister for Transport.

(2) References to the Minister for Communications, Marine and Natural Resources contained in any Act or instrument made thereunder and relating to any functions transferred by this Article shall, from the commencement of this Order, be construed as references to the Minister for Transport.

...

Schedule

Article 4(1)

Part 1

Acts

...

Merchant Shipping Acts 1894 to 2005

...

C3 References to certain repealed provisions construed (6.02.1997) by *Merchant Shipping (Liability of Shipowners and Others) Act 1996* (35/1996), s. 39, S.I. No. 215 of 1997.

Adaptation of certain references.

39.—A reference in any enactment to a provision of the Merchant Shipping Acts, 1894 to 1993, being a provision that is repealed by this Act and which corresponds to a provision of this Act, shall, unless the context otherwise requires, be construed as a reference to the said provision of this Act.

C4 Passenger steamer construed (14.05.1967) by *Merchant Shipping Act 1966* (20/1966), s. 19(2), S.I. No. 54 of 1967.

Amendment of section 271 of Merchant Shipping Act, 1894.

19.— ...

(2) References in the Merchant Shipping Acts to a passenger steamer shall be construed as including any ship while on or about to proceed on a voyage or excursion in any case where a passenger steamer's certificate is required to be in force in respect of her.

C5 References to Act construed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 2(2), (3), commenced on enactment. Note that this Act is repealed by *Merchant Shipping (Registration of Ships) Act 2014* (43/2014), s. 7 and sch. 1, not commenced as of date of revision.

Interpretation.

2.— ...

(2) References in any enactment to the Act of 1894 shall, unless the context otherwise requires, be construed as including a reference to this Act.

(3) References in any enactment to Part I of the Act of 1894 shall, unless the context otherwise requires, be construed as a reference to this Act.

C6 Application of Act extended (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 17, commenced on enactment. Note that this Act is repealed by *Merchant Shipping (Registration of Ships) Act 2014* (43/2014), s. 7 and sch. 1, not commenced as of date of revision.

Registry of State-owned ships.

17.—(1) The Government may, by order, provide for the registry of State-owned ships under this Act, and, subject to any exceptions and modifications which may be made by the Government by order, either generally or as respects any special class of State-owned ships, the Act of 1894 and this Act shall apply to ships registered in accordance with any such order as if they were registered in the manner provided by this Act.

(2) The Government may revoke or amend an order under this section.

C7 Application of collectively cited *Merchant Shipping Acts* restricted (19.11.1953) by *Merchant Shipping (Safety Convention) Act 1952* (29/1952), ss. 44, 45, 46, S.I. No. 338 of 1953. Section 46 was substituted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 10(1), commenced on enactment.

Removing persons in case of danger.

44.—Where the Minister for the purpose of enabling persons to be removed from any place in consequence of a threat to their lives has permitted more persons to be carried on board a ship than are permitted under the Merchant Shipping Acts apart from this section, the carriage of that excess of persons shall not be an offence under those Acts.

Power of Minister to exempt from safety requirements.

45.—(1) The Minister may exempt any ships or classes of ships from any requirements of the rules for life-saving appliances or any rules or regulations made under this Act, either absolutely or subject to such conditions as he thinks fit.

(2) Without prejudice to the preceding provisions of this section, where a ship not normally engaged on international voyages is required to undertake a single international voyage, the Minister may, if he is of opinion that the ship complies with safety requirements that are adequate for that voyage, exempt the ship from any of the safety requirements imposed by or under the Merchant Shipping Acts.

[Exemption of certain ships from certain provisions of Act of 1952.

46.—(1) Nothing in this Act—

(*a*) prohibiting or preventing a ship from proceeding to sea unless there are in force in relation to the ship, or are produced, the appropriate certificates issued by the Minister under this Act or the appropriate accepted Safety Convention certificates,

(*b*) conferring powers on a surveyor of ships for the purpose of verifying the existence, validity or correctness of any Safety Convention certificate or that the conditions on which any such certificate was issued are complied with,

(*c*) requiring information about a ship's stability to be carried on board, or

(*d*) imposing a penalty for the contravention of any rules relating to openings in ships' hulls and watertight bulkheads,

unless in the case of information about a ship's stability the Minister otherwise orders, applies to any troopship.

(2) Nothing in subsection (1) affects the exemption conferred by section 741 of the Principal Act on ships belonging to the State.

(3) Notwithstanding that any provision of this Act is expressed to apply to ships not registered in the State while they are within any port in the State, that provision does not apply to a ship that would not be within any such port but for stress of weather or any other circumstance, that neither the master nor the owner of the ship could have prevented or forestalled.**]**

C8 References to consular officer construed (23.10.1945) by *Merchant Shipping Acts, 1894 To 1921, Adaptation Order 1945* (S.R. & O. No. 273 of 1945), art. 2. Note definition of consular officer in

Merchant Shipping (Registration of Ships) Act 2014 (43/2014), s. 2, not commenced as of date of revision.

Adaptation of " consular officer " in Merchant Shipping Acts, 1894 to 1921

2. (1) The expression " consular officer " in the Merchant Shipping Acts, 1894 to 1921 (exclusive of Part IV of the Merchant Shipping Act, 1906), shall be construed as including the persons to whom this Article applies as well as the persons included in the expression apart from this Order, and the expression shall be so construed notwithstanding any qualification in relation to nationality attached thereto.

(2) This Article applies to the following persons :

(a) a person who is employed in the Civil Service of the Government and who is an envoy extraordinary and minister plenipotentiary, a high commissioner, a chargé d'affaires, a counsellor of legation, a secretary of a legation or high commissioner's office, or an attaché,

(b) a person who is employed in the Civil Service of the Government and who is a consul-general, a consul or a vice-consul,

(c) a person nominated, whether individually or by reference to a class, by the Minister for External Affairs after consultation with the Minister for Industry and Commerce to exercise consular functions for the purposes of the Merchant Shipping Acts, 1894 to 1921.

C9 Application of Act modified to conform with Genoa Convention on employing children and young persons at sea (1.01.1921) by *Employment of Women, Young Persons and Children Act 1920* (10 & 11 Geo. 5) c. 65, s. 1(1), (2), (5), commenced as per s. 5(2).

Restrictions on the employment of women, young persons, and children in industrial undertakings.

1.—(1) No child shall be employed in any industrial undertaking.

(2) No child shall be employed in any ship except to the extent to which and in the circumstances in which such employment is permitted under the Convention set out in Part IV. of the Schedule to this Act.

...

(5) There shall be included in every agreement with the crew entered into under the Merchant Shipping Act, 1894, a list of the young persons under the age of sixteen years who are members of the crew, together with particulars of the dates of their birth, and, in the case of a ship in which there is no such agreement, the master of the ship shall, if young persons under the age of sixteen years are employed therein, keep a register of those persons with particulars of the dates of their birth and of the dates on which they become or cease to be members of the crew, and the register so kept shall at all times be open to inspection.

...

C10 Application of collectively cited *Merchant Shipping Acts* restricted (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 65(2), commenced as per s. 86(2). Note: functions of Board of Trade transferred to Department of Industry and Commerce (2.06.1924) by *Ministers and Secretaries Act 1924* (16/1924), s. 1(vii) and sch. sixth part, S.R.& O. No. 4 of 1924. Name of Department of Industry and Commerce most recently changed to Department of Enterprise, Trade and Employment (10.11.2020) by *Business, Enterprise and Innovation (Alteration of Name of Department and Title of Minister) Order 2020* (S.I. No. 519 of 2020), in effect as per reg. 1(2).

Provisions as to failure to join ship and desertion.

65.— ...

(2) Where it is shown to the satisfaction of the superintendent that a seaman lawfully engaged has wilfully or through misconduct failed to join his ship, the superintendent shall report the matter to the Board of Trade, and that Board may direct that any of the seaman's certificates of discharge shall be withheld for such period as they may think fit, and, while a seaman's certificate of discharge is so withheld, the Registrar-General of Shipping and Seamen, and any other person having the custody of the necessary documents, may, notwithstanding anything in the Merchant Shipping

Acts, refuse to furnish copies of any of his certificates of discharge or certified extracts of any particulars of service or character.

C11 Board of Trade enabled to exempt ships from collectively cited *Merchant Shipping Acts* (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 78, commenced as per s. 86(2).

Dispensing powers of the Board of Trade.

78.—(1) The Board of Trade may, if they think fit, and upon such conditions (if any) as they think fit to impose, exempt any ship from any specified requirement contained in, or pre scribed in pursuance of, the Merchant Shipping Acts, or dispense with the observance of any such requirement in the case of any ship, if they are satisfied that that requirement has been substantially complied with in the case of that ship, or that compliance with the requirement is unnecessary in the circumstances of the case, and that the action taken or provision made as respects the subject-matter of the requirement in the case of the ship is as effective as, or more effective than, actual compliance with the requirement.

(2) The Board of Trade shall annually lay before both Houses of Parliament a special report stating the cases in which they have exercised their powers under this section during the preceding year, and the grounds upon which they have acted in each case.

C12 References to provisions of collectively cited *Merchant Shipping Acts* construed (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 84(2), commenced as per s. 86(2).

Interpretation and construction.

84.— ...

(2) Any reference in this Act to any provision of the Merchant Shipping Acts, 1894 to 1900, which has been amended by any subsequent Act or is amended by this Act, shall be construed as a reference to the provision as so amended.

Editorial Notes:

E1 Power to raise sunken vessel for purposes of prosecution under collectively cited *Merchant Shipping Acts 1894 to 2010* prescribed (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 75, commenced on enactment.

E2 Act retained (8.05.2007) by *Statute Law Revision Act 2007* (28/2007), s. 2 and sch. 1 part 4, commenced on enactment.

E3 Health and Safety Authority required to keep collectively cited *Merchant Shipping Acts* (included in definition of associated statutory provisions) under review and make proposals (1.09.2005) by *Safety, Health and Welfare at Work Act 2005* (10/2005), s. 57, S.I. No. 328 of 2005.

E4 Power to seize and detain evidence for purposes of prosecution under collectively cited *Merchant Shipping Acts 1894 to 1993* prescribed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), ss. 10(1)(c) and 62, S.I. No. 32 of 1994.

E5 Power of inspection and examination for purposes of collectively cited *Merchant Shipping Acts 1894 to 1992* prescribed (1.08.1992) by *Merchant Shipping Act 1992* (2/1992), s. 25(1), S.I. No. 205 of 1992.

E6 Minister empowered to amend collectively cited *Merchant Shipping Acts* to give effect to amendment of the *International Convention for the Safety of Life at Sea* signed in London on behalf of the Government on 1 November 1974 (25.01.1983) by *Merchant Shipping Act 1981* (33/1981, s. 3, S.I. No. 15 of 1983.

E7 In relation to offences common to *Fisheries (Consolidation) Act 1959* and this Act, they may be prosecuted and punished under either Act as provided (1.10.1959) by *Fisheries (Consolidation) Act 1959* (14/1959), s. 224(4), commenced as per s. 2(1).

E8 Power of Minister to prescribe fees for surveys and services under *Merchant Shipping Acts* provided (14.06.1939) by *Merchant Shipping (Amendment) Act 1939* (12/1939), s. 5, commenced on enactment.

E9 Penalty for failure to comply with collectively cited *Merchant Shipping Acts 1894 to 1900* prescribed (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7 c. 48), s. 21, commenced as per s. 86(2); repealed (1.08.1992) by *Merchant Shipping Act 1992* (2/1992), s. 4(1) and sch., not commenced as of date of revision.

E10 Double punishment for any misconduct under collectively cited *Merchant Shipping Acts 1894 to 1900* prohibited (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7 c. 48), s. 44(5), commenced as per s. 86(2).

E11 Previous affecting provision: requirement to withhold and power to revoke safety certificates under collectively cited *Merchant Shipping Acts 1894 to 2005* prescribed (21.07.2009) by *European Communities (Marine Equipment) Regulations 2009* (S.I. No. 259 of 2009), reg. 6, in effect as per reg. 2; revoked (4.12.2014) by *European Union (Marine Equipment) Regulations 2014* (S.I. No. 540 of 2014), reg. 11, in effect as per reg. 1(2).

E12 Previous affecting provision: provision made for withholding or withdrawal of safety certificates under the International Conventions and relevant provisions of the collectively cited *Merchant Shipping Acts* under certain circumstances (6.02.2003) by *European Communities (Marine Equipment) Regulations 2003* (S.I. No. 38 of 2003), reg. 6; revoked (21.07.2009) by *European Communities (Marine Equipment) Regulations 2009* (S.I. No. 259 of 2009), reg. 10(a), in effect as per reg. 2.

E13 Previous affecting provision: power to withhold or withdraw safety certificates under collectively cited *Merchant Shipping Acts 1894 to 1998* prescribed (23.12.1998) by *European Communities (Marine Equipment) Regulations 1998* (S.I. No. 545 of 1998), reg. 6; revoked (6.02.2003) by *European Communities (Marine Equipment) Regulations 2003* (S.I. No. 38 of 2003), reg. 11(a).

E14 Previous affecting provision: Minister empowered to authorise a recognised organisation to carry out surveys or inspections under Act under certain conditions (2.03.1998) by *European Communities (Ship Inspection and Survey Organisations) Regulations 1998* (S.I. No. 56 of 1998), reg. 4(1)(a), in effect as per reg. 1(2); revoked (15.07.2003) by *European Communities (Ship Inspection and Survey Organisations) Regulations 2003* (S.I. No. 301 of 2003), reg. 9.

E15 Previous affecting provision: functions under collectively cited *Merchant Shipping Acts* transferred and references construed (31.03.1987) by *Communications (Transfer of Departmental Administration and Ministerial Functions) Order 1987* (S.I. No. 91 of 1987), arts. 3, 4 and sch. part I, in effect as per art. 1(2); superseded as per C-note above.

E16 Previous affecting provision: functions under collectively cited *Merchant Shipping Acts* transferred and references construed (27.07.1959) by *Transport, Fuel and Power (Transfer of Departmental Administration and Ministerial Functions) Order 1959* (S.I. No. 125 of 1959), arts. 3, 4 and sch. I part I item 6, in effect as per art. 2; superseded as per E-note above.

E17 Previous affecting provision: power pursuant to collectively cited *Merchant Shipping Acts* exercised (1.01.1955) by *Merchant Shipping (Fees) Order 1954* (S.I. No. 267 of 1954), in effect as per art. 1(2); revoked (1.01.1964) by *Merchant Shipping (Fees) Order 1963* (S.I. No. 266 of 1963), art. 4, in effect as per art. 1(2).

E18 Previous affecting provision: powers pursuant to collectively cited *Merchant Shipping Acts* exercised (21.08.1949) by *Merchant Shipping (Fees) Order, 1940 (Amendment) Order 1949* (S.I. No. 236 of 1949), in effect as per art. 1(2); revoked (1.01.1955) by *Merchant Shipping (Fees) Order 1954* (S.I. No. 267 of 1954), art. 5, in effect as per art. 1(2).

E19 Previous affecting provision: powers pursuant to collectively cited *Merchant Shipping Acts* exercised (7.08.1940) by *Merchant Shipping (Fees) Order 1940* (S.I. No. 36 of 1940), in effect as per art. 1; revoked (1.01.1955) by *Merchant Shipping (Fees) Order 1954* (S.I. No. 267 of 1954), art. 5, in effect as per art. 1(2).

E20 Previous affecting provision: power pursuant to *Merchant Shipping Act 1894* exercised (21.03.1929) by *Merchant Shipping (Fees) Order 1929* (unnumbered).

E21 Previous affecting provision: power pursuant to *Merchant Shipping Act 1894* exercised (date unknown) by *Merchant Shipping (Fees) Order No. 2 1925* (unnumbered); revoked (21.03.1929) by *Merchant Shipping (Fees) Order 1929* (unnumbered), art. 3, in effect as per art. 1.

E22 Passengers deemed to be carried from or to State for purposes of returns under collectively cited *Merchant Shipping Acts 1894 to 1900* (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7 c. 48), s. 15, commenced as per s. 86(2).

E23 Double punishment for any misconduct under collectively cited *Merchant Shipping Acts 1894 to 1900* prohibited (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7 c. 48), s. 44(5), commenced as per s. 86(2).

E24 Previous affecting provision: method of calculating tonnage of steamship for purposes of collectively cited *Merchant Shipping Acts 1894 to 1900* prescribed (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7 c. 48), s. 69, commenced as per s. 86(2); repealed (6.02.1997) by *Merchant Shipping (Liability of Shipowners and Others) Act 1996* (35/1996), s. 3 and sch. 4, S.I. No. 215 of 1997.

E25 Functions under collectively cited *Merchant Shipping Acts 1894 to 1900* made subject to control of Board of Trade (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7 c. 48), s. 74(1), commenced as per s. 86(2). Note: functions of Board of Trade transferred to Department of Industry and Commerce (2.06.1924) by *Ministers and Secretaries Act 1924* (16/1924), s. 1(vii) and sch. sixth part, S.R.& O. No. 4 of 1924. Name of Department of Industry and Commerce most recently changed to Department of Enterprise, Trade and Employment (10.11.2020) by *Business, Enterprise and Innovation (Alteration of Name of Department and Title of Minister) Order 2020* (S.I. No. 519 of 2020), in effect as per reg. 1(2).

PART I.

REGISTRY.

Qualification for owning British Ships.

Annotations

Editorial Notes:

E26 Previous affecting provision: application of Part extended to include, in expression "ship", every description of lighter, barge or like vessel (1.01.1922) by *Merchant Shipping Act 1921* (11 & 12 Geo. 5.) c. 28, s. 1(1), commenced as per s. 4(2); Part repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

E27 Previous affecting provision: forgery of certain documents under Part deemed a felony (1.01.1914) by *Forgery Act 1913* (3 & 4 Geo. 5) c. 27, s. 3(3)(k), commenced as per s. 22; repealed (1.08.2002) *Criminal Justice (Theft and Fraud Offences) Act 2001* (50/2001), s. 3 and sch. 1, S.I. No. 252 of 2002.

Qualification for owning British Ship.

1.—F1**[**...**]**

Annotations

Amendments:

F1 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Editorial Notes:

E28 Previous affecting provision: application of section restricted for 3 years for former enemy aliens (23.12.1919) by *Aliens Restriction (Amendment) Act 1919* (9 & 10 Geo. 5) c. 92, s. 11(1)(c), commenced on enactment; repealed (10.04.1935) by *Aliens Act 1935* (14/1935) s. 14 and sch., commenced on enactment.

E29 Previous affecting provision: application of section restricted for aliens (1.01.1915) by *British Nationality and Status of Aliens Act 1914* (4 & 5 Geo. 5) c. 17, s. 17(3), commenced as per s. 28(3); repealed (10.04.1935) by *Irish Nationality and Citizenship Act 1935* (13/1935) s. 33(1), commenced on enactment.

Obligation to register British Ships.

Obligation to register British ships.

2.—F2**[**...**]**

Annotations

Amendments:

F2 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Exemptions from registry.

3.—F3**[**...**]**

Annotations

Amendments:

F3 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Procedure for Registration.

Registrars of British ships.

4.—F4**[**...**]**

Annotations

Amendments:

F4 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Register book.

5.—F5**[**...**]**

Annotations

Amendments:

F5 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Survey and measurement of ship.

6.—F6**[**...**]**

Annotations

Amendments:

F6 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Marking of ship.

7.—F7**[**...**]**

Annotations

Amendments:

F7 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Application for registry.

8.—F8**[**...**]**

Annotations

Amendments:

F8 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Declaration of ownership on registry.

9.—F9**[**...**]**

Annotations

Amendments:

F9 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Evidence on first registry.

10.—F10**[**...**]**

Annotations

Amendments:

F10 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Entry of particulars in register book.

11.—F11**[**...**]**

Annotations

Amendments:

F11 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Documents to be retained by registrar.

12.—F12**[**...**]**

Annotations

Amendments:

F12 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Port of registry.

13.—F13**[**...**]**

Annotations

Amendments:

F13 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Certificate of Registry.

Certificate of registry.

14.—F14**[**...**]**

Annotations

Amendments:

F14 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Custody of certificate.

15.—F15**[**...**]**

Annotations

Amendments:

F15 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Penalty for use of improper certificate.

16.—F16**[**...**]**

Annotations

Amendments:

F16 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Power to grant new certificate.

17.—F17**[**...**]**

Annotations

Amendments:

F17 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Provision for loss of certificate.

18.—F18**[**...**]**

Annotations

Amendments:

F18 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Endorsement of change of master on certificate.

19.—F19**[**...**]**

Annotations

Amendments:

F19 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Endorsement of change of ownership on certificate.

20.—F20**[**...**]**

Annotations

Amendments:

F20 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Delivery up of certificate of ship lost or ceasing to be British owned.

21.—F21**[**...**]**

Annotations

Amendments:

F21 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Editorial Notes:

E30 Previous affecting provision: subs. (1) construed with additional words (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 52(1), commenced as per s. 86(2); section repealed as per F-note above.

Provisional certificate for ships becoming British owned abroad.

22.—F22**[**...**]**

Annotations

Amendments:

F22 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Temporary passes in lieu of certificates of registry.

23.—F23**[**...**]**

Annotations

Amendments:

F23 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Transfers and Transmissions.

Transfer of ships or shares.

24.—F24**[**...**]**

Annotations

Amendments:

F24 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Declaration of transfer.

25.—F25**[**...**]**

Annotations

Amendments:

F25 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Registry of transfer.

26.—F26**[**...**]**

Annotations

Amendments:

F26 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Transmission of property in ship on death, bankruptcy, marriage, &c.

27.—F27**[**...**]**

Annotations

Amendments:

F27 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Order for sale on transmission to unqualified person.

28.—F28**[**...**]**

Annotations

Amendments:

F28 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Transfer of ship or sale by order of court.

29.—F29**[**...**]**

Annotations

Amendments:

F29 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Power of court to prohibit transfer.

30.—F30**[**...**]**

Annotations

Amendments:

F30 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Mortgages.

Mortgage of ship or share.

31.—F31**[**...**]**

Annotations

Amendments:

F31 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Entry of discharge of mortgage.

32.—F32**[**...**]**.

Annotations

Amendments:

F32 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Priority of mortgages.

33.—F33**[**...**]**

Annotations

Amendments:

F33 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Mortgagee not treated as owner.

34.—F34**[**...**]**

Annotations

Amendments:

F34 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Mortgagee to have power of sale.

35.—F35**[**...**]**

Annotations

Amendments:

F35 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Mortgage not affected by bankruptcy.

36.—F36**[**...**]**

Annotations

Amendments:

F36 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Transfer of mortgages.

37.—F37**[**...**]**

Annotations

Amendments:

F37 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Transmission of interest in mortgage by death, bankruptcy, marriage, &c.

38.—F38**[**...**]**

Annotations

Amendments:

F38 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Certificates of Mortgage and Sale.

Powers of mortgage and sale may be conferred by certificate.

39.—F39**[**...**]**

Annotations

Amendments:

F39 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Requisites for certificates of mortgage and sale.

40.—F40**[**...**]**

Annotations

Amendments:

F40 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Restrictions on certificates of mortgage and sale.

41.—F41**[**...**]**

Annotations

Amendments:

F41 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Contents of certificates of mortgage and sale.

42.—F42**[**...**]**

Annotations

Amendments:

F42 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Rules as to certificates of mortgage.

43.—F43**[**...**]**

Annotations

Amendments:

F43 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Rules as to certificates of sale.

44.—F44**[**...**]**

Annotations

Amendments:

F44 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Power of Commissioners of Customs in case of loss of certificate of mortgage or sale.

45.—F45**[**...**]**

Annotations

Amendments:

F45 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Revocation of certificates of mortgage and sale.

46.—F46**[**...**]**

Annotations

Amendments:

F46 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Name of Ship.

Rules as to name of ship.

47.—F47**[**...**]**

Annotations

Amendments:

F47 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Registry of Alterations, Registry anew, and Transfer of Registry.

Registry of alterations.

48.—F48**[**...**]**

Annotations

Amendments:

F48 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Editorial Notes:

E31 Previous affecting provision: subs. (2) substituted (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 53, commenced as per s. 86(2); section repealed as per F-note above.

Regulations for registry of alteration.

49.—F49**[**...**]**

Annotations

Amendments:

F49 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Provisional certificate and endorsement where ship is to be registered anew.

50.—F50**[**...**]**

Annotations

Amendments:

F50 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Registry anew on change of ownership.

51.—F51**[**...**]**

Annotations

Amendments:

F51 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Procedure for registry anew.

52.—F52**[**...**]**

Annotations

Amendments:

F52 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Transfer of registry.

53.—F53**[**...**]**

Annotations

Amendments:

F53 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Restrictions on re-registration of abandoned ships.

54.—F54**[**...**]**

Annotations

Amendments:

F54 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Incapacitated Persons.

Provision for cases of infancy or other incapacity.

55.—F55**[**...**]**

13 & 14 Vict. c. 60.

Annotations

Amendments:

F55 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Trusts and Equitable Rights.

Notices of trusts not received.

56.—F56**[**...**]**

Annotations

Amendments:

F56 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Equities not excluded by Act.

57.—F57**[**...**]**

Annotations

Amendments:

F57 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Liability of Beneficial Owner.

Liability of owners.

58.—F58**[**...**]**

Annotations

Amendments:

F58 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Managing Owner.

Ship's managing owner or manager to be registered.

59.—F59**[**...**]**

Annotations

Amendments:

F59 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Declarations, Inspection of Register, and Fees.

Power of registrar to dispense with declarations and other evidence.

60.—F60**[**...**]**

Annotations

Amendments:

F60 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Mode of making declarations.

61.—F61**[**...**]**

Annotations

Amendments:

F61 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Application of fees.

62.—F62**[**...**]**

Annotations

Amendments:

F62 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Returns, Evidence, and Forms.

Returns to be made by registrars.

63.—F63**[**...**]**

Annotations

Amendments:

F63 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Evidence of register book, certificate of registry, and other documents.

64.—F64**[**...**]**

Annotations

Amendments:

F64 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Forms of documents, and instructions as to registry.

65.—F65**[**...**]**

Annotations

Amendments:

F65 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Forgery and false Declarations.

Forgery of documents.

66.—F66**[**...**]**

Annotations

Amendments:

F66 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

False declarations.

67.—F67**[**...**]**

Annotations

Amendments:

F67 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

National Character and Flag.

National character of ship to be declared before clearance.

68.—F68**[**...**]**

Annotations

Amendments:

F68 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Penalty for unduly assuming British character.

69.—F69**[**...**]**.

Annotations

Amendments:

F69 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Penalty for concealment of British or assumption of foreign character.

70.—F70**[**...**]**

Annotations

Amendments:

F70 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Penalty for acquiring ownership if unqualified.

71.—F71**[**...**]**

Annotations

Amendments:

F71 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Liabilities of ships not recognised as British.

72.—F72**[**...**]**

Annotations

Amendments:

F72 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

National colours for ships, and penalty on carrying improper colours.

73.—F73**[**...**]**

Annotations

Amendments:

F73 Repealed (30.01.1948) by *Merchant Shipping Act 1947* (46/1947), s. 14, S.I. No. 33 of 1948.

Penalty on ship not showing colours.

74.—F74**[**...**]**

Annotations

Amendments:

F74 Repealed (30.01.1948) by *Merchant Shipping Act 1947* (46/1947), s. 14, S.I. No. 33 of 1948.

Saving for Admiralty.

75.—F75**[**...**]**

Annotations

Amendments:

F75 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Forfeiture of Ship.

Proceedings on forfeiture of ship.

76.—F76**[**...**]**

Annotations

Amendments:

F76 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Measurement of Ship and Tonnage.

Rules for ascertaining register tonnage.

77.—F77**[**...**]**

Annotations

Amendments:

F77 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Allowance for engine-room space in steamships.

78.—F78**[**...**]**

Annotations

Amendments:

F78 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Editorial Notes:

E32 Previous affecting provision: application of section modified (1.01.1914) by *Merchant Shipping Act 1907* (7 Edw. 7) c. 52, s. 1, commenced as per s. 1(b); section repealed as per F-note above.

Deductions for ascertaining tonnage.

79.—F79**[**...**]**

Annotations

Amendments:

F79 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Editorial Notes:

E33 Previous affecting provision: subs. (1)(a) to be read with additional para. (iv) as provided (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 54(1), commenced as per s. 86(2); section repealed as per F-note above.

Provisions as to deductions in case of certain steamships.

80.—F80**[**...**]**

Annotations

Amendments:

F80 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Measurement of ships with double bottoms for water ballast.

81.—F81**[**...**]**

Annotations

Amendments:

F81 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Tonnage once ascertained to be the tonnage of ship.

82.—F82**[**...**]**

Annotations

Amendments:

F82 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Fees for measurement.

83.—F83**[**...**]**

Annotations

Amendments:

F83 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Tonnage of ships of foreign countries adopting tonnage regulations.

84.—F84**[**...**]**

Annotations

Amendments:

F84 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Editorial Notes:

E34 Previous affecting provision: subs. (1) to be read with additional words as provided (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 55, commenced as per s. 86(2); section repealed as per F-note above.

Space occupied by deck cargo to be liable to dues.

85.—F85**[**...**]**

Annotations

Amendments:

F85 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Surveyors and regulations for measurement of ships.

86.—F86**[**...**]**

Annotations

Amendments:

F86 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Levy of tonnage rates under local Acts on the registered tonnage.

87.—F87**[**...**]**

Annotations

Amendments:

F87 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Ports of Registry in Place under Foreign Jurisdiction Act.

Foreign ports of registry.

88.—F88**[**...**]**

53 & 54 Vict. c. 37.

Annotations

Amendments:

F88 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Registry in Colonies.

Powers of governors in colonies.

89.—F89**[**...**]**

Annotations

Amendments:

F89 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Terminable certificates of registry for small ships in colonies.

90.—F90**[**...**]**

Annotations

Amendments:

F90 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Application of Part I.

Application of Part I.

91.—F91**[**...**]**

Annotations

Amendments:

F91 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

PART II.

MASTERS AND SEAMEN.

Annotations

Modifications (not altering text):

C13 Application of Part extended for purposes of ss. 260-266 (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 49(3), commenced as per s. 86(2). "This Part" referred to below is Part IV (ss. 28-49), Provisions as to Relief and Repatriation of Distressed Seamen, and Seamen left behind Abroad. Note effect of *Merchant Shipping Act, 1906, Adaptation Order 1942* (S.R.& O. No. 484 of 1942).

Definitions of "proper authority" and "seamen"

49. ...

(3) The provisions of this Part of this Act shall, for the purpose of sections two hundred and sixty to two hundred and sixty-six of the Principal Act (which relate to the application of Part II of that Act), be construed as if they were contained in Part II of that Act.

Editorial Notes:

E35 Certain certificates of competency declared to be of the same force as if they had been granted by the Minister under Part II, s. 414 or other provisions as provided (25.08.1995) by *Merchant Shipping (Recognition of British Certificates of Competency) Order 1995* (S.I. No. 228 of 1995), art. 2.

E36 Employment under an employment agreement made under Part II or Part IV excluded from application of *Minimum Notice and Terms of Employment Act 1973* (1.09.1973) by *Minimum Notice and Terms of Employment Act 1973* (4/1973), s. 3(1)(f), S.I. No. 242 of 1973.

E37 Previous affecting provision: certain certificates of competency declared to be of the same force as if they had been granted by the Minister under Part II or s. 414 (18.02.1949) by *Merchant Shipping (Recognition of British Certificates of Competency) Order 1949* (S.I. No. 47 of 1949), art. 2; revoked (25.08.1995) by *Merchant Shipping (Recognition of British Certificates of Competency) Order 1995* (S.I. No. 228 of 1995), art. 3.

Certificates of Competency.

Certificates of competency to be held by officers of ships.

92.—F92**[...]**

Annotations

Amendments:

F92 Repealed (1.09.1981) by *Merchant Shipping (Certification of Seamen) Act 1979* (37/1979), s. 13 and sch., S.I. No. 11 of 1981.

Editorial Notes:

E38 Previous affecting provision: subs. (1)(b) substituted (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 56, commenced as per s. 86(2); section repealed as per F-note above.

Grades of certificates of competency.

93.—(1) Certificates of competency shall be granted, in accordance with this Act, for each of the following grades; (that is to say,)

Master of a foreign-going ship:

First mate of foreign-going ship:

Second mate of a foreign-going ship:

Only mate of a foreign-going ship:

Master of a home trade passenger ship:

Mate of a home trade passenger ship:

First-class engineer:

Second-class engineer.

(2) A certificate of competency for a foreign-going ship shall be deemed to be of a higher grade than the corresponding certificate for a home trade passenger ship, and shall entitle the lawful holder thereof to go to sea in the corresponding grade in the last-mentioned ship; but a certificate for a home trade passenger ship shall not entitle the holder to go to sea as master or mate of a foreign-going ship.

Annotations

Editorial Notes:

E39 Certain certificates of competency declared to be of the same force as if they had been granted by the Minister under Part II, s. 414 or other provisions (25.08.1995) by *Merchant Shipping (Recognition of British Certificates of Competency) Order 1995* (S.I. No. 228 of 1995), art. 2.

E40 Previous affecting provision: certificates of competency under section declared to be equivalent to certificates of competency under *Merchant Shipping (Certification of Marine Engineer Officers and Marine Engine Operators) Regulations 1988* (1.03.1989) by *Merchant Shipping (Certification of Marine Engineer Officers and Marine Engine Operators) Regulations 1988* (S.I. No. 369 of 1988), regs. 6 and table, 7, in effect as per reg. 1(2); revoked (30.12.1998) by *Merchant Shipping (Training, and Certification) Regulations 1998* (S.I. No. 553 of 1998), reg. 1(2) and sch.

E41 Previous affecting provision: certificates of competency under section declared to be equivalent to certificates of competency under *Merchant Shipping (Certification of Deck Officers) Regulations 1988* (1.03.1989) by *Merchant Shipping (Certification of Deck Officers) Regulations 1988* (S.I. No. 368 of 1988), regs. 6(2)-(5) and table, 7, in effect as per reg. 1(2); revoked (30.12.1998) by *Merchant Shipping (Training, and Certification) Regulations 1998* (S.I. No. 553 of 1998), reg. 1(2) and sch.

E42 Previous affecting provision: certificates of competency under section declared to be equivalent to certificates of competency under *Merchant Shipping (Certification of Deck Officers) Regulations 1981* under certain conditions as provided (1.09.1981) by *Merchant Shipping (Certification of Deck Officers) Regulations 1981* (S.I. No. 13 of 1981), regs. 5(2)-(6), 6, in effect as per reg. 1; revoked (1.03.1989) by *Merchant Shipping (Certification of Deck Officers) Regulations 1988* (S.I. No. 368 of 1988), reg. 1(2), in effect as per reg. 1(2).

E43 Previous affecting provision: certificates of competency under section declared to be equivalent to certificates of competency under *Merchant Shipping (Certification of Marine Engineer Officers) Regulations 1981* under certain conditions as provided (1.09.1981) by *Merchant Shipping (Certification of Marine Engineer Officers) Regulations 1981* (S.I. No. 12 of 1981), reg. 6 and table, in effect as per reg. 1; revoked (1.03.1988) by *Merchant Shipping (Certification of Marine Engineer Officers and Marine Engine Operators) Regulations 1988* (S.I. No. 369 of 1988), reg. 1(2), in effect as per reg. 1(1).

E44 Previous affecting provision: certain certificates of competency declared to be of the same force as if they had been granted by the Minister under Part II or s. 414 (18.02.1949) by *Merchant Shipping (Recognition of British Certificates of Competency) Order 1949* (S.I. No. 47 of 1949), art. 2; revoked (25.08.1995) by *Merchant Shipping (Recognition of British Certificates of Competency) Order 1995* (S.I. No. 228 of 1995), art. 3.

Examinations for certificates of competency.

94.—F93[...]

Annotations

Amendments:

F93 Repealed (10.08.1914) by *Merchant Shipping (Certificates) Act 1914* (4 & 5 Geo. 5) c. 42, s. 1(3) commenced on enactment.

Examinations by Board of Trade in certain cases.

95.—F94**[...]**

Annotations

Amendments:

F94 Repealed (10.08.1914) by *Merchant Shipping (Certificates) Act 1914* (4 & 5 Geo. 5) c. 42, s. 1 (3) commenced on enactment.

Engineers certificates of competency.

96.—(1) For the purpose of granting certificates of competency as engineers to persons desirous of obtaining the same, examinations shall be held at such places as the Board of Trade direct.

(2) The Board of Trade may appoint times for the examinations, and may appoint, remove, and re-appoint examiners to conduct the same, and determine the remuneration of those examiners, and may regulate the conduct of the examinations and the qualification of the applicants and may do all such acts and things as they think expedient for the purpose of the examinations.

Fees on examination.

97.—An applicant for examination, whether as master, mate, or engineer, shall pay such fees, not exceeding those specified in the Fourth Schedule to this Act, as the Board of Trade direct, and the fees shall be paid to such persons as the Board appoint and carried to the Mercantile Marine Fund.

Annotations

Modifications (not altering text):

C14 Application of section affected (1.04.1899) by *Merchant Shipping (Mercantile Marine Fund) Act 1898* (61 & 62 Vict.) c. 44, s. 1(1), commenced as per s. 9(3).

Abolition of Mercantile Marine Fund and Constitution of General Lighthouse Fund. 57 & 58 Vict. c. 60

1.—(1). As from the commencement of this Act—

(a.) All sums accounted for and paid to the Mercantile Marine Fund, except the light dues or other sums mentioned in paragraph (i) of section six hundred and seventy-six of the Merchant Shipping Act, 1894, shall be paid into the Exchequer:

...

Grant of certificates on passing examination.

98.—(1) The Board of Trade shall, subject as herein-after mentioned, deliver to every applicant who is duly reported by the examiners to have passed the examination satisfactorily, and to have given satisfactory evidence of his sobriety, experience, ability, and general good conduct on board ship, such a certificate of competency as the case requires.

(2) The Board of Trade may in any case in which a report appears to them to have been unduly made, remit the case either to the examiners who made the report or to any other examiners, and may require a re-examination of the applicant, or a further inquiry into his testimonials and character, before granting him a certificate.

Certificates of service for naval officers.

99.—(1) A person who has attained the rank of lieutenant, sub-lieutenant, navigating lieutenant, or navigating sub-lieutenant in Her Majesty's Navy, or of lieutenant in Her Majesty's Indian Marine Service, shall be entitled to a certificate of service as master of a foreign-going ship without examination.

(2) A person who has attained the rank of engineer or assistant engineer in Her Majesty's Navy or Indian Marine Service, shall be entitled without examination, if an engineer, to a certificate of service as first-class engineer, and if an assistant engineer to a certificate of service as second-class engineer.

(3) A certificate of service shall differ in form from a certificate of competency, and shall contain the name and rank of the person to whom it is delivered, and the Board of Trade shall deliver a certificate of service to any person who proves himself to be entitled thereto.

(4) The provisions of this Act (including the penal provisions) shall apply in the case of a certificate of service as they apply in the case of a certificate of competency, except that the provisions allowing a holder of a certificate of competency as master of a foreign-going ship to go to sea as master or mate of a home trade passenger ship shall not apply.

Form and record of certificate.

100.—(1) All certificates of competency shall be made in duplicate, one part to be delivered to the person entitled to the certificate, and one to be preserved.

(2) Such last-mentioned part of the certificate shall be preserved, and a record of certificates of competency and the suspending, cancelling, or altering of the certificates and any other matter affecting them shall be kept, in such manner as the Board of Trade direct, by the Registrar-General of Shipping and Seamen or by such other person as the Board of Trade direct.

(3) Any such certificate and any record under this section shall be admissible in evidence in manner provided by this Act.

Loss of certificate.

101.—If a master, mate, or engineer proves to the satisfaction of the Board of Trade that he has, without fault on his part, lost or been deprived of a certificate already granted to him, the Board of Trade shall, and in any other case may, upon payment of such fee (if any) as they direct, cause a copy of the certificate to which, by the record kept in pursuance of this Act, he appears to be entitled, to be certified by the Registrar-General of Shipping and Seamen, or other person directed to keep the record, and to be delivered to him; and a copy purporting to be so certified shall have all the effect of the original.

Colonial certificates of competency.

102.—Where the legislature of any British possession provides for the examination of, and grant of certificates of competency to, persons intending to act as masters, mates, or engineers on board ships, and the Board of Trade report to Her Majesty that they are satisfied that the examinations are so conducted as to be equally efficient with the examinations for the same purpose in the United Kingdom under this Act, and that the certificates are granted on such principles as to show the like qualifications and competency as those granted under this Act, and are liable to be

forfeited for the like reasons and in the like manner, Her Majesty may by Order in Council—

(i) declare that the said certificates shall be of the same force as if they had been granted under this Act: and

(ii) declare that all or any of the provisions of this Act, which relate to certificates of competency granted under this Act, shall apply to the certificates referred to in the Order: and

(iii) impose such conditions and make such regulations with respect to the certificates, and to the use, issue, delivery, cancellation, and suspension thereof, as Her Majesty may think fit, and impose fines not exceeding fifty pounds for the breach of those conditions and regulations.

Annotations

Editorial Notes:

E45 A fine of £50 translates into a Class B fine, not exceeding €4,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 5, table ref. no. 8, S.I. No. 662 of 2010.

Production of certificates of competency to superintendent.

103.—(1) The master of a foreign-going ship—

(*a*) on signing the agreement with the crew before a superintendent shall produce to him the certificates of competency which the master, mates, and engineers of the ship are by this Act required to hold: and

(*b*) in the case of a running agreement shall also, before the second and every subsequent voyage, produce to the superintendent the certificate of competency of any mate or engineer then first engaged by him who is required by this Act to hold a certificate.

(2) The master or owner of every home trade passenger ship of more than eighty tons burden shall produce to some superintendent within twenty-one days after the thirtieth of June and the thirty-first of December in every year the certificates of competency which the master, mates, and engineers of the ship are by this Act required to hold.

(3) Upon the production of the certificates of competency, the superintendent shall, if the certificates are such as the master, mates, and engineers of the ship ought to hold, give to the master a certificate to the effect that the proper certificates of competency have been so produced.

(4) The master shall, before proceeding to sea, produce the superintendent's certificate to the chief officer of customs, and the ship may be detained until the certificate is produced.

Forgery, &c. of certificate of competency.

104.—If any person—

(*a*) forges or fraudulently alters, or assists in forging or fraudulently altering, or procures to be forged or fraudulently altered, any certificate of competency, or an official copy of any such certificate; or

(*b*) makes, assists in making, or procures to be made, any false representation for the purpose of procuring either for himself or for any other person a certificate of competency; or

(*c*) fraudulently uses a certificate or copy of a certificate of competency which has been forged, altered, cancelled or suspended, or to which he is not entitled; or

(*d*) fraudulently lends his certificate of competency or allows it to be used by any other person,

that person shall in respect of each offence be guilty of a misdemeanor.

Apprenticeship to the Sea Service.

Assistance given by superintendents as to apprenticeship.

105.—All superintendents shall give to persons desirous of apprenticing boys to or requiring apprentices for the sea service, such assistance as may be in their power, and may receive from those persons such fees as the Board of Trade fix, with the concurrence, so far as relates to pauper apprentices in England, of the Local Government Board, and so far as relates to pauper apprentices in Ireland, of the Local Government Board for Ireland.

Apprenticeships of paupers in Great Britain and Ireland.

106.—Subject to the special provisions of this Act, apprenticeships to the sea service made by a board of guardians or persons having the authority of a board of guardians shall, if made in Great Britain, be made in the same manner and be subject to the same laws and regulations as other apprenticeships made by such boards or persons; and if made in Ireland, be subject to the following regulations:—

(*a*) The board of guardians or other persons in any poor law union may put out and bind as apprentice to the sea service any boy who, or whose parent, is receiving relief in the union, and who has attained the age of twelve years, and is of sufficient health and strength, and consents to be bound:

(*b*) If the cost of relieving the boy is chargeable to an electoral division of a poor law union, then (except where paid officers act in place of guardians) he shall not be so bound unless the consent in writing of the guardians of that division, or of a majority of them, if more than one, is first obtained, and that consent shall, if possible, be endorsed on the indenture:

(*c*) The expenses incurred in the binding and outfit of any such apprentice shall be charged to the poor law union or electoral division, as the case may be, to which the boy or his parent is chargeable at the time of his being apprenticed:

(*d*) All indentures made in a poor law union may be sued on by the board of guardians of the union, or persons having the authority of such board, by their name of office; and actions so brought shall not abate by reason of any death or change in the persons holding office, but such an action shall not be commenced without the consent of the Local Government Board for Ireland:

(*e*) The amount of the costs incurred in any such action, and not recovered from the defendant, may be charged as the expenses incurred in binding out the apprentice.

Attestation of pauper apprenticeship.

107.—Every indenture of apprenticeship to the sea service made in the United Kingdom by a board of guardians, or persons having the authority of a board of guardians, shall be executed by the boy and the person to whom he is bound in the presence of and shall be attested by two justices of the peace, and those justices shall ascertain that the boy has consented to be bound and has attained the age of twelve years and is of sufficient health and strength, and that the person to whom the boy is bound is a proper person for the purpose.

Special provisions as to apprenticeship to the sea service.

108.—(1) Every indenture of apprenticeship to the sea service shall be executed in duplicate and shall be exempt from stamp duty.

(2) Every indenture of apprenticeship to the sea service, made in the United Kingdom, and every assignment or cancellation thereof, and, where the apprentice bound dies or deserts, the fact of the death or desertion, shall be recorded.

(3) For the purpose of the record—

(*a*) a person to whom an apprentice to the sea service is bound shall within seven days of the execution of the indenture take or transmit to the Registrar-General of Shipping and Seamen, or to a superintendent, the indenture executed in duplicate, and the Registrar-General or superintendent shall keep and record the one indenture and endorse on the other the fact that it has been recorded and re-deliver it to the master of the apprentice;

(*b*) the master shall notify any assignment or cancellation of the indenture, or the death or desertion of the apprentice, to the Registrar-General of Shipping and Seamen, or to a superintendent, within seven days of the occurrence, if it occurs within the United Kingdom; or, as soon as circumstances permit, if it occurs elsewhere.

(4) If any person fails to comply with any requirement of this section, he shall for each offence be liable to a fine not exceeding ten pounds.

Annotations

Editorial Notes:

E46 A fine of £10 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, Table ref. no. 8, S.I. No. 662 of 2010.

Production of indentures to superintendent before voyage in foreign-going ship.

109.—(1) The master of a foreign-going ship shall, before carrying an apprentice to sea from a port in the United Kingdom, cause the apprentice to appear before the superintendent before whom the crew are engaged, and shall produce to the superintendent the indenture by which the apprentice is bound, and every assignment thereof.

(2) The name of the apprentice, with the date of the indenture and of the assignments thereof, if any, and the names of the ports at which the same have been registered, shall be entered on the agreement with the crew.

(3) If the master fails without reasonable cause to comply with any requirement of this section he shall for each offence be liable to a fine not exceeding five pounds.

Annotations

Editorial Notes:

E47 A fine of £5 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

Licences to supply Seamen.

Licence for supply of seamen.

110.—The Board of Trade may grant to such persons as the Board think fit licences to engage or supply seamen or apprentices for merchant ships in the United Kingdom, and any such licence shall continue for such period, and may be granted and revoked on such terms and conditions as the Board think proper.

Penalty for engaging seamen without licence.

111.—(1) A person shall not engage or supply a seaman or apprentice to be entered on board any ship in the United Kingdom, unless that person either holds a licence from the Board of Trade for the purpose, or is the owner or master or mate of the ship, or is bonâ fide the servant and in the constant employment of the owner, or is a superintendent.

(2) A person shall not employ for the purpose of engaging or supplying a seaman or apprentice to be entered on board any ship in the United Kingdom any person, unless that person either holds a licence from the Board of Trade for the purpose, or is the owner or master or mate of the ship, or is bonâ fide the servant and in the constant employment of the owner, or is a superintendent.

(3) A person shall not receive or accept to be entered on board any ship any seaman or apprentice, if that person knows that the seaman or apprentice has been engaged or supplied in contravention of this section.

(4) If a person acts in contravention of this section, he shall for each seaman or apprentice in respect of whom an offence is committed, be liable to a fine not exceeding twenty pounds, and, if a licensed person, shall forfeit his licence.

Annotations

Editorial Notes:

E48 A fine of £20 translates into a Class C fine, not exceeding €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 6, table ref. no. 8, S.I. No. 662 of 2010.

Penalty for receiving remuneration from seamen for engagement.

112.—(1) A person shall not demand or receive directly or indirectly from a seaman or apprentice to the sea service, or from a person seeking employment as a seaman or apprentice to the sea service, or from a person on his behalf, any remuneration whatever for providing him with employment other than any fees authorised by this Act.

(2) If a person acts in contravention of this section, he shall for each offence be liable to a fine not exceeding five pounds.

Annotations

Editorial Notes:

E49 A fine of £5 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

Engagement of Seamen.

Agreements with crew.

113.—(1) The master of every ship, except ships of less than eighty tons registered tonnage exclusively employed in trading between different ports on the coasts of the United Kingdom, shall enter into an agreement (in this Act called the agreement with the crew) in accordance with this Act with every seaman whom he carries to sea as one of his crew from any port in the United Kingdom.

(2) If a master of a ship carries any seamen to sea without entering into an agreement with him in accordance with this Act, the master in the case of a foreign-going ship, and the master or owner in the case of a home trade ship, shall for each offence be liable to a fine not exceeding five pounds.

Annotations

Editorial Notes:

E50 A fine of £5 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

Form, period, and conditions of agreements with crew.

114.—(1) An agreement with the crew shall be in a form approved by the Board of Trade, and shall be dated at the time of the first signature thereof, and shall be signed by the master before a seaman signs the same.

(2) The agreement with the crew shall contain as terms thereof the following particulars:—

(*a*) Either the nature, and, as far as practicable, the duration of the intended voyage or engagement, or the maximum period of the voyage or engagement and the places or parts of the world, if any, to which the voyage or engagement is not to extend:

(*b*) The number and description of the crew, specifying how many are engaged as sailors:

(*c*) The time at which each seaman is to be on board or to begin work:

(*d*) The capacity in which each seaman is to serve:

(*e*) The amount of wages which each seaman is to receive:

(*f*) A scale of the provisions which are to be furnished to each seaman:

(*g*) Any regulations as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishment for misconduct which have been approved by the Board of Trade as regulations proper to be adopted, and which the parties agree to adopt.

(3) The agreement with the crew shall be so framed as to admit of such stipulations, to be adopted at the will of the master and seaman in each case, whether respecting the advance and allotment of wages or otherwise, as are not contrary to law.

(4) If the master of a ship registered at a port out of the United Kingdom has an agreement with the crew made in due form according to the law of that port or of the port in which her crew were engaged, and engages single seamen in the United Kingdom, those seamen may sign the agreement so made, and it shall not then be necessary for them to sign an agreement in the form approved by the Board of Trade.

Special provisions as to agreements with crew of foreign-going ships.

115.—The following provisions shall have effect with respect to the agreements with the crew made in the United Kingdom in the case of foreign-going ships registered either within or without the United Kingdom:—

(1) The agreement shall (subject to the provisions of this Act as to substitutes) be signed by each seaman in the presence of a superintendent:

(2) The superintendent shall cause the agreement to be read over and explained to each seaman, or otherwise ascertain that each seaman understands the same before he signs it, and shall attest each signature:

(3) When the crew is first engaged the agreement shall be signed in duplicate, and one part shall be retained by the superintendent, and the other shall be delivered to the master, and shall contain a special place or form for the descriptions and signatures of substitutes or persons engaged subsequently to the first departure of the ship:

(4) Where a substitute is engaged in the place of a seaman who duly signed the agreement, and whose services are within twenty-four hours of the ship's putting to sea lost by death, desertion, or other unforeseen cause, the engagement shall, when practicable, be made before a superintendent, and, when not practicable, the master shall, before the ship puts to sea, if practicable, and if not, as soon afterwards as possible, cause the agreement to be read over and explained to the substitute, and the substitute shall thereupon sign the same in the presence of a witness, and the witness shall attest the signature:

(5) The agreements may be made for a voyage, or if the voyages of the ship average less than six months in duration may be made to extend over two or more voyages, and agreements so made to extend over two or more voyages are in this Act referred to as running agreements:

(6) Running agreements shall not extend beyond the next following thirtieth day of June or thirty-first day of December, or the first arrival of the ship at her port of destination in the United Kingdom after that date, or the discharge of cargo consequent on that arrival:

(7) On every return to a port in the United Kingdom before the final termination of a running agreement, the master shall make on the agreement an endorsement as to the engagement or discharge of seamen, either that no engagements or discharges have been made, or are intended to be made before the ship leaves port, or that all those made have been made as required by law, and if a master wilfully makes a false statement in any such endorsement, he shall for each offence be liable to a fine not exceeding twenty pounds:

(8) The master shall deliver the running agreement so endorsed to the superintendent, and the superintendent shall, if the provisions of this Act relating to agreements have been complied with, sign the endorsement and return the agreement to the master:

(9) The duplicate running agreement retained by the superintendent on the first engagement of the crew shall either be transmitted to the Registrar-General of Shipping and Seamen immediately, or kept by the superintendent until the expiration of the agreement, as the Board of Trade direct.

Annotations

Editorial Notes:

E51 A fine of £20 translates into a Class C fine, not exceeding €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 6, table ref. no. 8, S.I. No. 662 of 2010.

Special provisions as to agreements with crew of home-trade ships.

116.—The following provisions shall have effect with respect to the agreements with the crew of home trade ships for which an agreement with the crew is required under this Act:—

(1) Agreements may be made either for service in a particular ship or for service in two or more ships belonging to the same owner, but in the latter case the names of the ships and the nature of the service shall be specified in the agreement:

(2) Crews or single seamen may, if the master think fit, be engaged before a superintendent in the same manner as they are required to be engaged for foreign-going ships, but if the engagement is not so made, the master shall, before the ship puts to sea, if practicable, and if not, as soon after as possible, cause the agreement to be read and explained to each seaman, and the

seaman shall thereupon sign the same in the presence of a witness, and the witness shall attest the signature:

(3) An agreement for service in two or more ships belonging to the same owner may be made by the owner instead of by the master; and the provisions of this Act with respect to the making of the agreement shall apply accordingly;

(4) Agreements shall not, in the case of ships of more than eighty tons burden, extend beyond the next following thirtieth day of June or thirty-first day of December or the first arrival of the ship at her final port of destination in the United Kingdom after that date or the discharge of cargo consequent on that arrival: Provided that the owner or his agent may enter into time agreements in forms sanctioned by the Board of Trade with individual seamen to serve in any one or more ships belonging to such owner, and those agreements need not expire on the thirtieth day of June or the thirty-first day of December, and a duplicate of every such agreement shall be forwarded to the Registrar-General of Shipping and Seamen within forty-eight hours after it has been entered into.

Changes in crew of foreign-going ship to be reported.

117.—(1) The master of every foreign-going ship whose crew has been engaged before a superintendent shall, before finally leaving the United Kingdom, sign, and send to the nearest superintendent, a full and accurate statement, in a form approved by the Board of Trade, of every change which takes place in his crew before finally leaving the United Kingdom, and that statement shall be admissible in evidence in manner provided by this Act.

(2) If a master fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding five pounds.

Annotations

Editorial Notes:

E52 A fine of £5 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

Certificate as to agreements with crew of foreign-going ships.

118.—(1) In the case of a foreign-going ship, on the due execution of an agreement with the crew in accordance with this Act, and also, where the agreement is a running agreement, on compliance by the master, before the second and every subsequent voyage made after the first commencement of the agreement, with the provisions of this Act respecting that agreement, the superintendent shall grant the master of the ship a certificate to that effect.

(2) The master of every foreign-going ship shall, before proceeding to sea, produce to the officer of customs that certificate, and any such ship may be detained until the certificate is produced.

(3) The master of every foreign-going ship shall, within forty-eight hours after the ship's arrival at her final port of destination in the United Kingdom or upon the discharge of the crew, whichever first happens, deliver his agreement with the crew to the superintendent, and the superintendent shall give the master a certificate of that delivery; and an officer of customs shall not clear the ship inwards until the certificate of delivery is produced, and if the master fails without reasonable cause so to deliver the agreement with the crew, he shall for each offence be liable to a fine not exceeding five pounds.

Annotations

Editorial Notes:

E53 A fine of £5 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

Certificate as to agreements with crew of home trade ships.

119.—(1) The master or owner of a home trade ship of more than eighty tons burden shall within twenty-one day after the thirtieth day of June and the thirty-first day of December in every year deliver or transmit to a superintendent in the United Kingdom every agreement with the crew made for the ship within six months next preceding those days respectively.

(2) The superintendent on receiving the agreement shall give the master or owner of the ship a certificate to that effect, and the ship shall be detained unless the certificate is produced to the proper officer of customs.

(3) If the master or owner fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding five pounds.

Annotations

Editorial Notes:

E54 A fine of £5 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

Copy of agreement to be made accessible to crew.

120.—(1) The master shall at the commencement of every voyage or engagement cause a legible copy of the agreement with the crew, (omitting the signatures,) to be posted up in some part of the ship which is accessible to the crew.

(2) If the master fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding five pounds.

Annotations

Editorial Notes:

E55 A fine of £5 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

Forgery, &c. of agreements with crew.

121.—If any person fraudulently alters, makes any false entry in, or delivers a false copy of, any agreement with the crew, that person shall in respect of each offence be guilty of a misdemeanor, and if any person assists in committing or procures to be committed any such offence, he shall likewise in respect of each offence be guilty of a misdemeanor.

Alterations in agreements with crew.

122.—Every erasure, interlineation, or alteration in any agreement with the crew (except additions made for the purpose of shipping substitutes or persons engaged after the first departure of the ship) shall be wholly inoperative, unless proved to have been made with the consent of all the persons interested in the erasure, interlineation, or alteration, by the written attestation (if in Her Majesty's dominions) of some superintendent, justice, officer of customs, or other public functionary, or elsewhere, of a British consular officer, or where there is no such officer, of two respectable British merchants.

Seamen not to be bound to produce agreement.

123.—In any legal or other proceeding a seaman may bring forward evidence to prove the contents of any agreement with the crew or otherwise to support his case, without producing, or giving notice to produce the agreement or any copy thereof.

Engagement of seamen in colonial and foreign ports.

124.—(1) With respect to the engagement of seamen abroad, the following provisions shall have effect:—

Where the master of a ship engages a seaman in any British possession other than that in which the ship is registered or at a port in which there is a British consular officer, the provisions of this Act respecting agreements with the crew made in the United Kingdom shall apply subject to the following modifications:—

(*a*) In any such British possession the master shall engage the seaman before some officer being either a superintendent or, if there is no such superintendent, an officer of customs:

(*b*) At any such port having a British consular officer, the master shall, before carrying the seaman to sea, procure the sanction of the consular officer, and shall engage the seaman before that officer:

(*c*) The officer shall endorse upon the agreement an attestation to the effect that the agreement has been signed in his presence and otherwise made as required by this Act, and also, if the officer is a British consular officer, that it has his sanction, and if the attestation is not made the burden of proving that the engagement was made as required by this Act shall lie upon the master.

(2) If a master fails to comply with this section he shall be liable for each offence to a fine not exceeding five pounds.

Annotations

Editorial Notes:

E56 A fine of £5 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

Agreements with Lascars.

Agreements with Lascars.

4 Geo. 4. c. 80.

125.—(1) The master or owner of any ship, or his agent, may enter into an agreement with a lascar, or any native of India, binding him to proceed either as a seaman or as a passenger—

(*a*) to any port in the United Kingdom, and there to enter into a further agreement to serve as a seaman in any ship which may happen to be there, and to be bound to any port in British India; or

(*b*) to any port in the Australian colonies, and there to enter into a further agreement to serve as a seaman in any ship which may happen to be there, and to be bound to the United Kingdom or to any other part of Her Majesty's Dominions.

(2) The original agreement shall be made in such form, and contain such provisions, and be executed in such manner, and contain such conditions for securing the return of the lascar or native to his own country and for other purposes, as the Governor-General, of India in Council or the Governor in Council of any Indian Presidency in which the agreement is made may direct.

(3) Where any lascar or native bound by the original agreement is, on arriving in the United Kingdom or one of the said colonies, as the case may be, required to enter into such further agreement as aforesaid, some officer appointed for the purpose in

the United Kingdom by a Secretary of State in Council of India, or in any such colony by the governor of the colony, may, on the payment of such fee not exceeding ten shillings, as a Secretary of State in Council of India or the governor may direct, certify—

(*a*) that the further agreement is a proper agreement in all respects for the lascar or native to make, and is in accordance with the original agreement; and

(*b*) that the ship to which the further agreement relates is in all respects a proper ship for the lascar or native to serve in and also where the ship is in one of the said Australian colonies, that it is properly supplied with provisions; and

(*c*) that there is not, in his opinion, any objection to the full performance of the original agreement;

and thereupon the lascar or native shall be deemed to be engaged under the further agreement and to be for all purposes one of the crew of the ship to which it relates, and the lascar or native shall, notwithstanding a refusal to enter into the further agreement, be liable to the same consequences, and be dealt with in all respects in the same manner, as if he had voluntarily entered into the same.

(4) The master of every ship arriving at a port in the United Kingdom, which has or during any part of her voyage has had on board a lascar or any native of India either as one of her crew or otherwise, shall exhibit to the officer of customs, or to such person as the Board of Trade may authorise in that behalf, a statement containing a list and description of all lascars or natives of India who are, or have been, so on board, and an account of what has become of any lascar or native of India who at any time during the voyage has been, but is not then, on board, and the ship shall not be cleared inwards until the statement is exhibited, and if the master fails to exhibit such statement he and the owner of the ship shall be liable jointly and severally to a fine not exceeding ten pounds for every lascar or native of India in respect of whom the failure takes place.

(5) Nothing in this section shall affect any provisions which are unrepealed of the Act of the fourth year of the reign of King George the Fourth, chapter eighty, intituled, "An Act to consolidate and amend the several laws now in force with respect to trade within the limits of the charter of the East India Company, and to make further provision with respect to such trade."

Annotations

Editorial Notes:

E57 A fine of £10 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

Rating of Seamen.

Rating of seamen.

126.—(1) A seaman shall not be entitled to the rating of A.B., that is to say, of an able-bodied seaman, unless he has served at sea for F95**[**three years before the mast**]**, but the employment of fishermen in decked fishing vessels registered under the first part of this Act shall only count as sea service up to the period of F95**[**two years of that employment**]**; and the rating of A.B. shall only be granted after at least one year's sea service in a trading vessel in addition to F95**[**two or more years sea service**]** on board of decked fishing vessels so registered.

(2) The service may be proved by certificates of discharge, by a certificate of service from the Registrar-General of Shipping and Seamen (granted by the Registrar on payment of a fee not exceeding sixpence), specifying in each case whether the service was rendered in whole or in part in steam ship or in sailing ship, or by other satisfactory proof.

Annotations

Amendments:

F95 Substituted (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 58(1), commenced as per s. 86(2).

Discharge of Seamen.

Discharge before superintendent.

127.—(1) When a seaman serving in a British foreign-going ship, whether registered within or without the United Kingdom, is on the termination of his engagement discharged in the United Kingdom, he shall, whether the agreement with the crew be an agreement for the voyage or a running agreement, be discharged in manner provided by this Act in the presence of a superintendent.

(2) If the master or owner of a ship acts in contravention of this section, he shall for each offence be liable to a fine not exceeding ten pounds.

(3) If the master or owner of a home trade ship so desire, the seamen of that ship may be discharged in the same manner as seamen discharged from a foreign-going ship.

Annotations

Editorial Notes:

E58 A fine of £10 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by Fines Act 2010 (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

Certificate of discharge and return of certificate to officer on discharge.

128. —(1) The master shall sign and give to a seaman discharged from his ship, either on his discharge or on payment of his wages, a certificate of his discharge in a form approved by the Board of Trade, specifying the period of his service and the time and place of his discharge, and if the master fails so to do he shall for each offence he liable to a fine not exceeding ten pounds.

(2) The master shall also, upon the discharge of every certificated officer whose certificate of competency has been delivered to and retained by him, return the certificate to the officer, and if without reasonable cause he fails so to do he shall for each offence be liable to a fine not exceeding twenty pounds.

Annotations

Editorial Notes:

E59 A fine of £10 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

E60 A fine of £20 translates into a Class C fine, not exceeding €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 6, table ref. no. 8, S.I. No. 662 of 2010.

Reports of seaman's character.

129.—(1) Where a seaman is discharged before a superintendent, the master shall make and sign, in a form approved by the Board of Trade, a report of the conduct, character, and qualifications of the seaman discharged, or may state in the said form that he declines to give any opinion upon such particulars, or upon any of them, and the superintendent before whom the discharge is made shall, if the seaman desires, give to him or endorse on his certificate of discharge a copy of such report (in this Act referred to as the report of character).

(2) The superintendent shall transmit the reports to the Registrar-General of Shipping and Seamen, or to such other person as the Board of Trade may direct, to be recorded.

False or forged certificate of discharge or report of character.

130.—If any person—

(*a*) makes a false report of character under this Act, knowing the same to be false; or

(*b*) forges or fraudulently alters any certificate of discharge or report of character or copy of a report of character; or

(*c*) assists in committing, or procures to be committed, any of such offences as aforesaid; or

(*d*) fraudulently uses any certificate of discharge or report of character or copy of a report of character which is forged or altered or does not belong to him,

he shall in respect of each offence be guilty of a misdemeanor.

Payment of Wages.

Payment of wages before superintendent.

131.—(1) Where a seaman is discharged before a superintendent in the United Kingdom, he shall receive his wages through or in the presence of the superintendent, unless a competent court otherwise direct, and if in such a case the master or owner of a ship pays his wages within the United Kingdom in any other manner, he shall for each offence be liable to a fine not exceeding ten pounds.

(2) If the master or owner of a home trade ship so desires, the seamen of that ship may receive their wages in the same manner as seamen discharged from a foreign-going ship.

Annotations

Editorial Notes:

E61 A fine of £10 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

Master to deliver account of wages.

132.—(1) The master of every ship shall before paying off or discharging a seaman deliver at the time and in the manner provided by this Act a full and true account, in a form approved by the Board of Trade, of the seaman's wages, and of all deductions to be made therefrom on any account whatever.

(2) The said account shall be delivered—

(*a*) where the seaman is not to be discharged before a superintendent, to the seaman himself not less than twenty-four hours before his discharge or payment off; and

(*b*) where the seaman is to be discharged before a superintendent, either to the seaman himself at or before the time of his leaving the ship, or to the superintendent not less than twenty-four hours before the discharge or payment off.

(3) If the master of a ship fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding five pounds.

Annotations

Modifications (not altering text):

C15 Application of section extended (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 59(2) commenced as per s. 86(2).

Notice of disrating of seaman.

59.— …

(2) Any reduction of wages consequent on the disrating of a seaman shall be deemed to be a deduction from wages within the meaning of sections one hundred and thirty-two and one hundred and thirty-three of the principal Act (which relate to the delivery of the account of wages and the allowance of deductions therefrom).

Editorial Notes:

E62 A fine of £5 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

Deductions from wages of seamen.

133.—(1) A deduction from the wages of a seaman shall not be allowed unless it is included in the account delivered in pursuance of the last preceding section, except in respect of a matter happening after the delivery.

(2) The master shall during the voyage enter the various matters in respect of which the deductions are made, with the amounts of the respective deductions, as they occur, in a book to be kept for that purpose, and shall, if required, produce the book at the time of the payment of wages, and also upon the hearing before any competent authority of any complaint or question relating to that payment.

Annotations

Modifications (not altering text):

C16 Application of section extended (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 59(2) commenced as per s. 86(2).

Notice of disrating of seaman.

59. …

(2) Any reduction of wages consequent on the disrating of a seaman shall be deemed to be a deduction from wages within the meaning of sections one hundred and thirty-two and one hundred and thirty-three of the principal Act (which relate to the delivery of the account of wages and the allowance of deductions therefrom).

Time of payment of wages for foreign-going ships.

134.—In the case of foreign-going ships (other than ships employed on voyages for which seamen by the terms of their agreement are wholly compensated by a share in the profits of the adventure)—

(*a*) The owner or master of the ship shall pay to each seaman on account, at the time when he lawfully leaves the ship at the end of his engagement, two pounds, or one fourth of the balance of wages due to him, whichever is least; and shall pay him the remainder of his wages within two clear days (exclusive of any Sunday, fast day in Scotland, or Bank holiday) after he so leaves the ship:

(*b*) If the seaman consents, the final settlement of his wages may be left to a superintendent under regulations of the Board of Trade, and the receipt of the superintendent shall in that case operate as if it were a release given by the seaman in accordance with this Part of this Act:

(*c*) In the event of the seaman's wages or any part thereof not being paid or settled as in this section mentioned, then, unless the delay is due to the act or default of the seaman, or to any reasonable dispute as to liability, or to any other cause not being the wrongful act or default of the owner or master, the seaman's wages shall continue to run and be payable until the time of the final settlement thereof.

Time of payment of wages for home trade ships.

135.—(1) The master or owner of every home trade ship shall pay to every seaman his wages within two days after the termination of the agreement with the crew, or at the time when the seaman is discharged, whichever first happens.

(2) If a master or owner fails without reasonable cause to make payment at that time, he shall pay to the seaman a sum not exceeding the amount of two days pay for each of the days during which payment is delayed beyond that time, but the sum payable shall not exceed ten days double pay.

(3) Any sum payable under this section may be recovered as wages.

Settlement of wages.

136.—(1) Where a seaman is discharged, and the settlement of his wages completed, before a superintendent, he shall sign in the presence of the superintendent a release, in a form approved by the Board of Trade, of all claims in respect of the past voyage or engagement; and the release shall also be signed by the master or owner of the ship, and attested by the superintendent.

(2) The release, so signed and attested, shall operate as a mutual discharge and settlement of all demands between the parties thereto in respect of the past voyage or engagement.

(3) The release shall be retained by the superintendent, and on production from his custody shall be admissible in evidence in manner provided by this Act.

(4) Where the settlement of a seaman's wages is by this Act required to be completed through or in the presence of a superintendent, no payment, receipt, or settlement, made otherwise than in accordance with this Act shall operate as or be admitted as evidence of the release or satisfaction of any claim.

(5) Upon any payment being made by a master before a superintendent, the superintendent shall, if required, sign and give to the master a statement of the whole amount so paid; and the statement shall as between the master and his employer be admissible as evidence that the master has made the payments therein mentioned.

Annotations

Modifications (not altering text):

C17 Application of subs. (4) restricted (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 60, commenced as per s. 86(2).

Power to except claims from release, on settlement of wages.

60. Notwithstanding anything in section one hundred and thirty-six of the principal Act, a seaman may except from the release signed by him under that section any specified claim or demand against the master or owner of the ship, and a note of any claim or demand so excepted shall be entered upon the release. The release shall not operate as a discharge and settlement of any claim or demand so noted, nor shall subsection (4) of that section apply to any payment, receipt, or settlement made with respect to any such claim or demand.

Decision of questions by superintendents.

137.—(1) Where in the case of a foreign-going ship a question as to wages is raised before a superintendent between the master or owner of the ship and a seaman or apprentice, and the amount in question does not exceed five pounds, the superintendent may, on the application of either party, adjudicate, and the decision

of the superintendent in the matter shall be final; but if the superintendent is of opinion that the question is one which ought to be decided by a court of law, he may refuse to decide it.

(2) Where any question, of whatever nature and whatever the amount in dispute, between a master or owner and any of his crew is raised before a superintendent, and both parties agree in writing to submit the same to him, the superintendent shall hear and decide the question so submitted; and an award made by him upon the submission shall be conclusive as to the rights of the parties, and the submission or award shall not require a stamp; and a document purporting to be the submission or award shall be admissible as evidence thereof.

Power of superintendent to require production of ship's papers.

138.—(1) In any proceeding under this Act before a superintendent relating to the wages, claims, or discharge of a seaman, the superintendent may require the owner, or his agent, or the master, or any mate or other member of the crew, to produce any log-books, papers, or other documents in his possession or power relating to a matter in question in the proceeding, and may require the attendance of and examine any of those persons, being then at or near the place, on the matter.

(2) If any person so required fails, without reasonable cause, to comply with the requisition, he shall for each offence be liable to a fine not exceeding five pounds.

Annotations

Editorial Notes:

E63 A fine of £5 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

Rule as to payment of British seamen in foreign money.

139.—Where a seaman has agreed with the master of a British ship for payment of his wages in British sterling or any other money, any payment of, or on account of, his wages if made in any other currency than that stated in the agreement, shall, notwithstanding anything in the agreement, be made at the rate of exchange for the money stated in the agreement, for the time being current at the place where the payment is made.

Advance and Allotment of Wages.

Advance notes restricted.

140.—(1) (*a*) Where an agreement with the crew is required to be made in a form approved by the Board of Trade, the agreement may contain a stipulation for payment to or on behalf of the seaman, conditionally on his going to sea in pursuance of the agreement, of a sum not exceeding the amount of one month's wages payable to the seaman under the agreement; and

(*b*) Stipulations for the allotment of a seaman's wages may be made in accordance with this Act.

(2) Save as aforesaid an agreement by or on behalf of the employer of a seaman for the payment of money to or on behalf of the seaman conditionally on his going to sea from any port in the United Kingdom shall be void, and any money paid in satisfaction or in respect of any such agreement shall not be deducted from the seaman's wages, and a person shall not have any right of action, suit, or set-off against the seaman or his assignee in respect of any money so paid or purporting to have been so paid.

Regulations as to allotment notes.

141.—(1) Any stipulation made by a seaman at the commencement of a voyage for the allotment of any part of his wages during his absence shall be inserted in the

agreement with the crew, and shall state the amounts and times of the payments to be made.

(2) Where the agreement is required to be made in a form approved by the Board of Trade, the seaman may require that a stipulation be inserted in the agreement for the allotment by means of an allotment note, of any part (not exceeding one half) of his wages in favour either of a near relative or of a savings bank.

(3) Allotment notes shall be in a form approved by the Board of Trade.

(4) For the purposes of the provisions of this Act with respect to allotment notes—

(*a*) the expression " near relative " means one of the following persons, namely, the wife, father, mother, grandfather, grandmother, child, grandchild, brother, or sister of the seaman:

(*b*) the expression " savings bank " means a seamen's savings bank under this Act, or a trustee savings bank, or a post office savings bank.

Annotations

Modifications (not altering text):

C18 Application of section affected (18.08.1911) by *Merchant Shipping (Seamen's Allotment) Act 1911* (1 & 2 Geo. 5) c. 8, s. 1, commenced on enactment. This effectively repeals "(not exceeding one half)" in subs. (2).

Regulations as to allotment note.

1. —By agreement with the master an allotment note may be granted to a seaman providing for—

(a) payment of a greater sum than one half of the wages;

(b) payment at a period earlier than one month from the date of the agreement with the crew and at intervals more frequent than one month.

C19 Further effect to section given (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 61, commenced as per s. 86(2).

Obligation to offer allotment notes.

61.—In order to give effect to the provisions of section one hundred and forty-one of the principal Act enabling a seaman to require a stipulation for the allotment of his wages by means of an allotment note every superintendent or other officer before whom the seaman is engaged shall, after the seaman has signed the agreement, inquire of the seaman whether he requires such a stipulation for the allotment of his wages by means of an allotment note, and if the seaman requires such a stipulation shall insert the stipulation in the agreement with the crew, and any such stipulation shall be deemed to have been agreed to by the master.

Allotments through savings banks.

142. —(1) An allotment in favour of a savings bank shall be made in favour of such persons and carried into effect in such manner as may be prescribed by regulations of the Board of Trade.

(2) The sum received by a savings bank in pursuance of an allotment, shall be paid out only on an application made, through a superintendent or the Board of Trade, by the seaman himself, or, in the case of his death, by some person to whom his property, if under one hundred pounds in value, may be paid under this Act.

Right of suing on allotment notes.

143.—(1) The person in whose favour an allotment note under this Act is made may, unless the seaman is shown, in manner in this Act specified, to have forfeited or ceased to be entitled to the wages out of which the allotment is to be paid, recover the sums allotted, when and as the same are made payable, with costs from the owner of the ship with respect to which the engagement was made, or from any agent of

the owner who has authorised the allotment, in the same court and manner in which wages of seamen not exceeding fifty pounds may be recovered under this Act; provided that the wife of a seaman, if she deserts her children, or so misconducts herself as to be undeserving of support from her husband, shall forfeit all right to further payments under any allotment made in her favour.

(2) In any proceeding for such recovery it shall be sufficient for the claimant to prove that he is the person mentioned in the note, and that the note was given by the owner or by the master or some other authorised agent; and the seaman shall be presumed to be duly earning his wages, unless the contrary is shown to the satisfaction of the court, either—

(*a*) by the official statement of the change in the crew caused by his absence, made and signed by the master, as by this Act is required, or

(*b*) by a certified copy of some entry in the official log-book to the effect that he has left the ship, or

(*c*) by a creditable letter from the master of the ship to the same effect, or

(*d*) by such other evidence as the court in their absolute discretion consider sufficient to show satisfactorily that the seaman has ceased to be entitled to the wages out of which the allotment is to be paid.

Time for payment of allotment note

144.—F96**[**...**]**

Annotations

Amendments:

F96 Repealed (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 85 and sch. 2, commenced as per s. 86(2).

Remittance of seamen's wages, &c. by seamen's money orders.

145.—(1) Facilities shall be given for remitting the wages and other money of seamen and apprentices to the sea service to their relatives or other persons by means of seamen's money orders, issued by superintendents in accordance with this Act.

(2) The Board of Trade may make regulations concerning seamen's money orders, and in particular may specify in those regulations the time and mode of payment, and the persons by or to whom the same are to be paid; and all such regulations, while in force, shall be binding upon all persons interested or claiming to be interested in the orders as well as upon the officers employed in issuing or paying the same.

Power to pay when order is lost.

146.—The Board of Trade may, if they think fit, cause the amount of any seaman's money order to be paid to the person to whom or in whose favour the same has been granted, or to the personal representative, or any legatee, or next-of-kin of such person, notwithstanding that the order may not be in his possession; and, from and after the payment, the Board of Trade, and every superintendent and officer of the Board of Trade shall be freed from all liability in respect of the money order.

Penalty for issuing money orders with fraudulent intent.

147.—If any superintendent or officer grants or issues a seaman's money order with a fraudulent intent he shall be guilty of felony, and shall for each offence be liable to penal servitude for a term not exceeding five and not less than three years.

Power for Board of Trade to establish savings banks.

148.—(1) The Board of Trade may maintain a central seamen's savings bank in London, and may establish and maintain branch seamen's savings banks at such ports and places in the United Kingdom as they think expedient, and may receive at those banks deposits from or on account of seamen (whether of the Royal Navy, merchant service or other sea service) or the wives, widows, and children of such seamen F97**[**...**]**.

(2) The Board of Trade may constitute any mercantile marine office a branch savings bank for seamen, and, if so required, any superintendent of that office shall act as agent of the Board of Trade in executing the provisions of this Act relative to savings banks.

(3) The Board of Trade may make regulations with respect to the persons entitled to become depositors in seamen's savings banks, the making and withdrawal of deposits, F98**[**...**]** the rate and payment of interest, the rights, claims, and obligations of depositors, and all other matters incidental to carrying into execution the provisions of this Act with respect to seamen's savings banks, and those regulations while in force shall have effect as if enacted in this Act.

Annotations

Amendments:

F97 Deleted (20.05.1920) *Savings Banks Act 1920* (10 & 11 Geo. 5) c. 12, s. 10(4) and sch., commenced on enactment.

F98 Deleted (20.05.1920) *Savings Banks Act 1920* (10 & 11 Geo. 5) c. 12, s. 10(4) and sch., commenced on enactment.

National Debt Commissioners to receive deposits, &c.

149.—(1) The National Debt Commissioners, on the request of the Board of Trade, may receive from and repay to the account of the Board the money paid as deposits in seamen's savings banks.

(2) The Commissioners shall invest money so received in the like manner as money received from trustee savings banks, and shall pay to the account of the Board of Trade interest on the money while in their hands, at the same rate as on the money received from trustee savings banks.

Application of deposits of deceased depositor.

150.—All sums due from the Board of Trade to the estate of any deceased person on account of any deposit in a seamen's savings bank shall be paid and applied by the Board of Trade as if they were the property of a deceased seaman received by the Board under this Act, and the provisions of this Act respecting that property shall apply accordingly.

Expenses of savings banks.

151.—The Board of Trade may, out of the interest received by them from the National Debt Commissioners under this Act, pay any expenses incurred by them in relation to seamen's savings banks.

Accounts and copy of regulations to be laid before Parliament.

152.—An annual account of all deposits received and repaid on account of seamen's savings banks by the Board of Trade under this Act, and of the interest thereon, and a copy of all regulations made by the Board of Trade with respect to seamen's savings banks shall be laid before both Houses of Parliament.

Public officers to be exempt from legal proceedings, except in case of wilful default.

153.—Legal proceedings shall not be instituted against the Board of Trade, or against any superintendent or officer employed in or about any seamen's savings bank or about any seamen's money order, on account of any regulations made by the Board of Trade with reference to those banks or orders, or on account of any act done or left undone in pursuance thereof, or on account of any refusal, neglect, or omission

to pay any order or any deposit or interest thereon, unless that refusal, neglect, or omission arises from fraud or wilful misconduct on the part of the person against whom proceedings are instituted.

Forgery of documents, &c., for purpose of obtaining money in seamen's savings bank.

154.—If any person, for the purpose of obtaining, either for himself or for any other person, any money deposited in a seamen's savings bank or any interest thereon—

(*a*) forges or fraudulently alters, assists in forging or fraudulently altering or procures to be forged or fraudulently altered, any document purporting to show or assist in showing any right to any such money or interest; or

(*b*) makes use of any document which has been so forged or fraudulently altered as aforesaid; or

(*c*) gives, assists in giving, or procures to be given, any false evidence, knowing the same to be false; or

(*d*) makes, assists in making, or procures to be made, any false representation, knowing the same to be false; or

(*e*) assists in procuring any false evidence or representation to be given or made, knowing the same to be false;

that person shall for each offence be liable to penal servitude for a term not exceeding five years, or to imprisonment for any term not exceeding two years with or without hard labour, or on summary conviction to imprisonment with or without hard labour for any period not exceeding six months.

Rights of Seamen in respect of Wages.

Right to wages, &c. when to begin.

155.—A seaman's right to wages and provisions shall be taken to begin either at the time at which he commences work or at the time specified in the agreement for his commencement of work or presence on board, whichever first happens.

Right to recover wages, and salvage not to be forfeited.

156.—(1) A seaman shall not by any agreement forfeit his lien on the ship, or be deprived of any remedy for the recovery of his wages, to which in the absence of the agreement he would be entitled, and shall not by any agreement abandon his right to wages in case of the loss of the ship, or abandon any right that he may have or obtain in the nature of salvage; and every stipulation in any agreement inconsistent with any provision of this Act shall be void.

(2) Nothing in this section shall apply to a stipulation made by the seamen belonging to any ship, which according to the terms of the agreement is to be employed on salvage service, with respect to the remuneration to be paid to them for salvage services to be rendered by that ship to any other ship.

Wages not to depend on freight.

157.—(1) The right to wages shall not depend on the earning of freight; and every seaman and apprentice who would be entitled to demand and recover any wages, if the ship in which he has served had earned freight, shall, subject to all other rules of law and conditions applicable to the case, be entitled to demand and recover the same, notwithstanding that freight has not been earned; but in all cases of wreck or loss of the ship, proof that the seaman has not exerted himself to the utmost to save the ship, cargo, and stores, shall bar his claim to wages.

(2) Where a seaman or apprentice who would, but for death, be entitled by virtue of this section to demand and recover any wages, dies before the wages are paid, they shall be paid and applied in manner provided by this Act with respect to the wages of a seaman who dies during a voyage.

Wages on termination of service by wreck or illness.

158.—Where the service of a seaman terminates before the date contemplated in the agreement, by reason of the wreck or loss of the ship, or of his being left on shore at any place abroad under a certificate granted as provided by this Act of his unfitness or inability to proceed on the voyage, he shall be entitled to wages up to the time of such termination, but not for any longer period.

Annotations

Modifications (not altering text):

C20 Application of section restricted (5.07.1930) by *Merchant Shipping (International Labour Conventions) Act 1933* (29/1933), s. 1, commenced as per s. 1(4).

Amendment of Section 158 of Merchant Shipping Act, 1894.

1. (1) Where by reason of the wreck or loss of a ship on which a seaman is employed his service terminates before the date contemplated in the agreement, he shall, notwithstanding anything in section 158 of the Merchant Shipping Act, 1894, but subject to the provisions of this section, be entitled in respect of each day on which he is in fact unemployed during a period of two months from the date of the termination of the service, to receive wages at the rate to which he was entitled at that date.

(2) A seaman shall not be entitled to receive wages under this section if the owner shows that the unemployment was not due to the wreck or loss of the ship and shall not be entitled to receive wages under this section in respect of any day if the owner shows that the seaman was able to obtain suitable employment on that day.

(3) In this section the expression "seaman" includes every person employed or engaged in any capacity on board any ship, but, in the case of a ship which is a fishing boat, does not include any person who is entitled to be remunerated only by a share in the profits or the gross earnings of the working of the boat.

(4) This section shall have and be deemed to have had effect as from the fifth day of July, 1930.

Wages not to accrue during refusal to work or imprisonment.

159.—A seaman or apprentice shall not be entitled to wages for any time during which he unlawfully refuses or neglects to work, when required, whether before or after the time fixed by the agreement for his commencement of such work, nor, unless the court hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offence committed by him.

Forfeiture of wages, &c. of seaman when illness caused by his own default.

160.—Where a seaman is by reason of illness incapable of performing his duty, and it is proved that the illness has been caused by his own wilful act or default, he shall not be entitled to wages for the time during which he is by reason of the illness incapable of performing his duty.

Costs of procuring punishment may be deducted from wages.

161.—Whenever in any proceeding relating to seamen's wages it is shown that a seaman or apprentice has in the course of the voyage been convicted of an offence by a competent tribunal, and rightfully punished for that offence by imprisonment or otherwise, the court hearing the case may direct any part of the wages due to the seaman, not exceeding three pounds, to be applied in reimbursing any costs properly incurred by the master in procuring the conviction and punishment.

Compensation to seamen improperly discharged.

162.—If a seaman, having signed an agreement, is discharged otherwise than in accordance with the terms thereof before the commencement of the voyage, or before one month's wages are earned, without fault on his part justifying that discharge, and without his consent, he shall be entitled to receive from the master or owner, in addition to any wages he may have earned, due compensation for the damage caused to him by the discharge not exceeding one month's wages, and may recover that compensation as if it were wages duly earned.

Restriction on sale of, and charge upon, wages.

163.— (1) As respects wages due or accruing to a seaman or apprentice to the sea service—

(*a*) they shall not be subject to attachment or arrestment from any court;

(*b*) an assignment or sale thereof made prior to the accruing thereof shall not bind the person making the same;

(*c*) a power of attorney or authority for the receipt thereof shall not be irrevocable; and

(*d*) a payment of wages to the seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of those wages, or any attachment, incumbrance, or arrestment thereof.

(2) Nothing in this section shall affect the provisions of this Act with respect to allotment notes.

Annotations

Modifications (not altering text):

C21 Application of subs. (1)(a)-(d) restricted (14.06.1939) by *Merchant Shipping (Amendment) Act 1939* (12/1939), s. 2(4), commenced on enactment.

Contributions to superannuation funds from wages of seamen.

2.— ...

(4) Paragraphs (b) and (c) of sub-section (1) of section 163 of the Merchant Shipping Act, 1894 (which places restrictions upon certain dispositions by seamen and apprentices of their wages), shall not apply to any application under this section of wages, or of a part of any wages, in payment of contributions to a fund to which this section applies, and paragraphs (a) and (d) of the said sub-section (1) shall not apply to anything done or to be done for giving effect to such application.

Mode of recovering Wages.

Summary proceedings for wages.

164.—A seaman or apprentice to the sea service, or a person duly authorised on his behalf, may as soon as any wages due to him, not exceeding fifty pounds, become payable, sue for the same before a court summary jurisdiction in or near the place at which his service has terminated, or at which he has been discharged, or at which any person on whom the claim is made is or resides, and the order made by the court in the matter shall be final.

Restrictions on suits for wages.

165.—A proceeding for the recovery of wages not exceeding fifty pounds shall not be instituted by or on behalf of any seaman or apprentice to the sea service in any superior court of record in Her Majesty's dominions, nor as an Admiralty proceeding in any court having Admiralty jurisdiction in those dominions, except—

(i) where the owner of the ship is adjudged bankrupt; or

(ii) where the ship is under arrest or is sold by the authority of any such court as aforesaid; or

(iii) where a court of summary jurisdiction acting under the authority of this Act, refers the claim to any such court; or

(iv) where neither the owner nor the master of the ship is or resides within twenty miles of the place where the seaman or apprentice is discharged or put ashore.

Wages not recoverable abroad in certain cases.

166.—(1) Where a seaman is engaged for a voyage or engagement which is to terminate in the United Kingdom, he shall not be entitled to sue in any court abroad for wages, unless he is discharged with such sanction as is required by this Act, and with the written consent of the master, or proves such ill-usage on the part or by authority of the master, as to warrant reasonable apprehension of danger to his life if he were to remain on board.

(2) If a seaman on his return to the United Kingdom proves that the master or owner has been guilty of any conduct or default which but for this section would have entitled the seaman to sue for wages before the termination of the voyage or engagement, he shall be entitled to recover in addition to his wages, such compensation not exceeding twenty pounds as the court hearing the case thinks reasonable.

Remedies of master for wages, disbursements, &c.

167.—(1) The master of a ship shall, so far as the case permits, have the same rights, liens, and remedies for the recovery of his wages as a seaman has under this Act, or by any law or custom.

(2) The master of a ship, and every person lawfully acting as master of a ship by reason of the decease or incapacity from illness of the master of the ship, shall, so far as the case permits, have the same rights, liens, and remedies for the recovery of disbursements or liabilities properly made or incurred by him on account of the ship as a master has for the recovery of his wages.

(3) If in any Admiralty proceeding in any court having Admiralty jurisdiction touching the claim of a master in respect of wages, or of such disbursements, or liabilities as aforesaid, any right of set-off or counter-claim is set up, the court may enter into and adjudicate upon all questions, and settle all accounts then arising or outstanding and unsettled between the parties to the proceeding, and may direct payment of any balance found to be due.

Power of Courts to rescind Contracts.

Power of court to rescind contract between owner or master and seaman or apprentice.

168.—Where a proceeding is instituted in or before any court in relation to any dispute between an owner or master of a ship and a seaman or apprentice to the sea service, arising out of or incidental to their relation as such, or is instituted for the purpose of this section, the court, if, having regard to all the circumstances of the case they think it just to do so, may rescind any contract between the owner or master and the seaman or apprentice, or any contract of apprenticeship, upon such terms as the court may think just, and this power shall be in addition to any other jurisdiction which the court can exercise independently of this section.

Property of deceased Seamen.

Property of seamen who die during voyage.

169.—(1) If any seaman or apprentice to the sea service belonging to a British ship the voyage of which is to terminate in the United Kingdom, whether a foreign-going or a home trade ship, dies during that voyage, the master of the ship shall take charge of any money or effects belonging to the seaman or apprentice which are on board the ship.

(2) The master may, if he think fit, cause any of the effects to be sold by auction at the mast or otherwise by public auction.

(3) The master shall enter in the official log-book the following particulars:—

(*a*) A statement of the amount of the money and a description of the effects:

(*b*) In case of a sale, a description of each article sold, and the sum received for each:

(*c*) A statement of the sum due to the deceased for wages and of the amount of deductions (if any) to be made from the wages.

(4) The entry shall be signed by the master and attested by a mate and some other member of the crew.

(5) The said money, effects, proceeds of sale of effects, and balance of wages, are in this Act referred to as the property of the seaman or apprentice.

Annotations

Modifications (not altering text):

C22 Application of ss. 169-181 extended (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 29, commenced as per s. 86(2). Note effect of *Merchant Shipping Act, 1906, Adaptation Order 1942* (S.R.& O. No. 484 of 1942).

Property of seaman dying on a ship the voyage of which does not terminate in the United Kingdom.

29. The provisions of Part II of the principal Act, relating to the property of deceased seamen shall be extended so as to apply to seamen belonging to a British ship registered in the United Kingdom, the voyage of which is to terminate out of the United Kingdom, and in that case the British consular officer at the port at which the voyage terminates, or, if the port is in a British possession, the officer of customs there, shall exercise the same powers as he may exercise under those provisions when a ship the voyage of which is to terminate in the United Kingdom touches and remains for forty-eight hours at a port elsewhere than in the United Kingdom, and those provisions shall apply accordingly.

Dealing with and account of property of seamen who die during voyage.

170.—(1) Where a seaman or apprentice dies as aforesaid and the ship before coming to a port in the United Kingdom touches and remains for forty-eight hours at some port elsewhere, the master shall report the case to the British consular officer at such port, or if the port is in a British possession, to the officer of customs there, and shall give to the officer any information he requires as to the destination of the ship and probable length of the voyage.

(2) That officer may, if he thinks it expedient, require the property to be delivered and paid to him, and shall thereupon give to the master a receipt thereof, and endorse under his hand upon the agreement with the crew such particulars with respect thereto as the Board of Trade require.

(3) The receipt shall be produced by the master to a superintendent within forty-eight hours after his arrival at his port of destination in the United Kingdom.

(4) Where a seaman or apprentice dies as aforesaid and the ship proceeds at once to a port in the United Kingdom without touching and remaining as aforesaid at a port elsewhere, or the consular officer or officer of customs does not require the delivery and payment of the property as aforesaid, the master shall, within forty-eight hours after his arrival at his port of destination in the United Kingdom, deliver and pay the property to the superintendent at that port.

(5) In all cases where a seaman or apprentice dies during the progress of a voyage or engagement, the master shall give to the Board of Trade, or to the superintendent or officer to whom delivery and payment is made as aforesaid, such account in such form as they respectively require of the property of the deceased.

(6) A deduction claimed by the master in such account shall not be allowed unless verified, if an official log-book is required to be kept, by an entry in that book made and attested as required by this Act, and also by such other vouchers (if any) as may reasonably be required by the Board of Trade or by the superintendent or officer to whom the account is given.

(7) A superintendent in the United Kingdom shall grant to a master, upon due compliance with such provisions of this section as relate to acts to be done at the port of destination, a certificate to that effect; and an officer of customs shall not clear inwards a foreign-going ship without the production of that certificate.

Annotations

Modifications (not altering text):

C23 Application of ss. 169-181 extended (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 29, commenced as per s. 86(2). Note effect of *Merchant Shipping Act, 1906, Adaptation Order 1942* (S.R.& O. No. 484 of 1942).

Property of seaman dying on a ship the voyage of which does not terminate in the United Kingdom.

29. The provisions of Part II of the principal Act, relating to the property of deceased seamen shall be extended so as to apply to seamen belonging to a British ship registered in the United Kingdom, the voyage of which is to terminate out of the United Kingdom, and in that case the British consular officer at the port at which the voyage terminates, or, if the port is in a British possession, the officer of customs there, shall exercise the same powers as he may exercise under those provisions when a ship the voyage of which is to terminate in the United Kingdom touches and remains for forty-eight hours at a port elsewhere than in the United Kingdom, and those provisions shall apply accordingly.

Penalty for non-compliance with provisions as to property of deceased seamen.

171.—(1) If the master of the ship fails to comply with the provisions of this Act with respect to taking charge of the property of a deceased seaman or apprentice, or to making in the official log-book the proper entries relating thereto, or to procuring the proper attestation of those entries as required by this Act, or to the payment or delivery of the property, he shall be accountable for the property to the Board of Trade, and shall pay and deliver the same accordingly, and shall in addition for each offence be liable to a fine not exceeding treble the value of the property not accounted for, or if such value is not ascertained not exceeding fifty pounds.

(2) If any such property is not duly paid, delivered, or accounted for by the master, the owner of the ship shall pay, deliver, and account for the same, and such property shall be recoverable from him accordingly, and if he fails to account for and deliver or pay the same, he shall in addition to his liability for the same be liable to a fine not exceeding treble the value of the property not accounted for, delivered, or paid over, or, if such value be not ascertained, not exceeding fifty pounds.

(3) The property may be recovered in the same court and manner in which the wages of seamen may be recovered under this Act.

Annotations

Modifications (not altering text):

C24 Application of ss. 169-181 extended (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 29, commenced as per s. 86(2). Note effect of *Merchant Shipping Act, 1906, Adaptation Order 1942* (S.R.& O. No. 484 of 1942).

Property of seaman dying on a ship the voyage of which does not terminate in the United Kingdom.

29. The provisions of Part II of the principal Act, relating to the property of deceased seamen shall be extended so as to apply to seamen belonging to a British ship registered in the United Kingdom, the voyage of which is to terminate out of the United Kingdom, and in that case the British consular officer at the port at which the voyage terminates, or, if the port is in a British possession, the officer of customs there, shall exercise the same powers as he may exercise under those provisions when a ship the voyage of which is to terminate in the United Kingdom touches and remains for forty-eight hours at a port elsewhere than in the United Kingdom, and those provisions shall apply accordingly.

Editorial Notes:

E64 A fine of £50 translates into a Class B fine, not exceeding €4,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 5, table ref. no. 8, S.I. No. 662 of 2010.

Property of deceased seamen left abroad but not on board ship.

172.—If any seaman or apprentice to the sea service belonging to a British ship the voyage of which is to terminate in the United Kingdom, or who has within six months preceding his death belonged to any such ship, dies at any place out of the United Kingdom, leaving any money or effects not on board the ship to which he belonged at the time of his death or to which he last belonged before his death, the chief officer of customs in the case of a British possession, and in other cases the British consular officer at or near the place, shall claim and take charge of such money and effects, and such money and effects shall be deemed to be property of a deceased seaman or apprentice within the meaning of this Part of this Act.

Annotations

Modifications (not altering text):

C25 Application of ss. 169-181 extended (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 29, commenced as per s. 86(2). Note effect of *Merchant Shipping Act, 1906, Adaptation Order 1942* (S.R.& O. No. 484 of 1942).

Property of seaman dying on a ship the voyage of which does not terminate in the United Kingdom.

29. The provisions of Part II of the principal Act, relating to the property of deceased seamen shall be extended so as to apply to seamen belonging to a British ship registered in the United Kingdom, the voyage of which is to terminate out of the United Kingdom, and in that case the British consular officer at the port at which the voyage terminates, or, if the port is in a British possession, the officer of customs there, shall exercise the same powers as he may exercise under those provisions when a ship the voyage of which is to terminate in the United Kingdom touches and remains for forty-eight hours at a port elsewhere than in the United Kingdom, and those provisions shall apply accordingly.

Dealing with property of deceased seamen by officers abroad.

173.—(1) A chief officer of customs in a British possession and a British consular officer may, as he thinks fit, sell any of the property of a deceased seaman or apprentice delivered to him or of which he takes charge under this Act, and the proceeds of any such sale shall be deemed to form part of the said property.

(2) Every such officer shall quarterly, or at such times as the Board of Trade require, remit the property in such manner, and shall render such accounts in respect thereof as the Board of Trade require.

Annotations

Modifications (not altering text):

C26 Application of ss. 169-181 extended (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 29, commenced as per s. 86(2). Note effect of *Merchant Shipping Act, 1906, Adaptation Order 1942* (S.R.& O. No. 484 of 1942).

Property of seaman dying on a ship the voyage of which does not terminate in the United Kingdom.

29. The provisions of Part II of the principal Act, relating to the property of deceased seamen shall be extended so as to apply to seamen belonging to a British ship registered in the United Kingdom, the voyage of which is to terminate out of the United Kingdom, and in that case the British consular officer at the port at which the voyage terminates, or, if the port is in a British possession, the officer of customs there, shall exercise the same powers as he may exercise under those provisions when a ship the voyage of which is to terminate in the United Kingdom touches and remains for forty-eight hours at a port elsewhere than in the United Kingdom, and those provisions shall apply accordingly.

Recovery of wages, &c. of seamen lost with their ship.

174.—(1) Where a seaman or apprentice is lost with the ship to which he belongs the Board of Trade may recover the wages due to him from the owner of the ship, in the same court and in the same manner in which seamen's wages are recoverable, and shall deal with those wages in the same manner as with the wages of other deceased seamen and apprentices under this Act.

(2) In any proceeding for the recovery of the wages, if it is shown by some official return produced out of the custody of the Registrar-General of Shipping and Seamen, or by other evidence, that the ship has twelve months or upwards before the institution of the proceeding left a port of departure, she shall, unless it is shown that she has been heard of within twelve months after that departure, be deemed to have been lost with all hands on board, either immediately after the time she was last heard of, or at such later time as the court hearing the case may think probable.

(3) Any duplicate agreement or list of the crew made out, or statement of a change of the crew delivered, under this Act, at the time of the last departure of the ship from the United Kingdom, or a certificate purporting to be a certificate from a consular or other public officer at any port out of the United Kingdom, stating that certain seamen and apprentices were shipped in the ship from the said port, shall, if produced out of the custody of the Registrar-General of Shipping and Seamen, or of the Board of Trade, be, in the absence of proof to the contrary, sufficient proof that the seamen and apprentices therein named as belonging to the ship were on board at the time of the loss.

Annotations

Modifications (not altering text):

C27 Application of ss. 169-181 extended (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 29, commenced as per s. 86(2). Note effect of *Merchant Shipping Act, 1906, Adaptation Order 1942* (S.R.& O. No. 484 of 1942).

Property of seaman dying on a ship the voyage of which does not terminate in the United Kingdom.

29. The provisions of Part II of the principal Act, relating to the property of deceased seamen shall be extended so as to apply to seamen belonging to a British ship registered in the United Kingdom, the voyage of which is to terminate out of the United Kingdom, and in that case the British consular officer at the port at which the voyage terminates, or, if the port is in a British possession, the officer of customs there, shall exercise the same powers as he may exercise under those provisions when a ship the voyage of which is to terminate in the United Kingdom touches and remains for forty-eight hours at a port elsewhere than in the United Kingdom, and those provisions shall apply accordingly.

Editorial Notes:

E65 Previous affecting provision: application of subss. (2), (3) extended (1.07.1907) by *Workmen's Compensation Act 1906* (6 Edw. 7) c. 58, s. 7(1)(g), commenced as per s. 16(1); repealed (1.08.1934) by *Workmen's Compensation Act 1934* (9/1934), s. 13(1) and sch. 1 part 1, S.I. No. 153 of 1934.

Property of seamen dying at home.

175.—If a seaman or apprentice to the sea service dies in the United Kingdom, and is at the time of his death entitled to claim from the master or owner of a ship in which he has served any effects or unpaid wages, the master or owner shall pay and deliver or account for such property to the superintendent at the port where the seaman or apprentice was discharged or was to have been discharged, or to the Board of Trade, or as that Board direct.

Annotations

Modifications (not altering text):

C28 Application of ss. 169-181 extended (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 29, commenced as per s. 86(2). Note effect of *Merchant Shipping Act, 1906, Adaptation Order 1942* (S.R.& O. No. 484 of 1942).

Property of seaman dying on a ship the voyage of which does not terminate in the United Kingdom.

29. The provisions of Part II of the principal Act, relating to the property of deceased seamen shall be extended so as to apply to seamen belonging to a British ship registered in the United Kingdom, the voyage of which is to terminate out of the United Kingdom, and in that case the British consular officer at the port at which the voyage terminates, or, if the port is in a British possession, the officer of customs there, shall exercise the same powers as he may exercise under those provisions when a ship the voyage of which is to terminate in the United Kingdom touches and remains for forty-eight hours at a port elsewhere than in the United Kingdom, and those provisions shall apply accordingly.

Payment over of property of deceased seamen by Board of Trade.

176.—(1) Where any property of a deceased seaman or apprentice comes into the hands of the Board of Trade, or any agent of that Board, the Board of Trade, after deducting for expenses incurred in respect of that seaman or apprentice or of his property such sum as they think proper to allow, shall, subject to the provisions of this Act, deal with the residue as follows:—

(*a*) If the property exceeds in value one hundred pounds, they shall pay and deliver the residue to the legal personal representative of the deceased

(*b*) If the property do not exceed in value one hundred pounds, the Board may as they think fit either pay or deliver the residue to any claimant who is proved to their satisfaction to be the widow or a child of the deceased, or to be entitled to the personalty of the deceased either under his will (if any) or any statute of distribution or otherwise, or to be a person entitled to take out representation, although no such representation has been taken out, and shall be thereby discharged from all further liability in respect of the residue so paid or delivered; or

(*c*) They may, if they think fit, require representation to be taken out, and pay and deliver the residue to the legal personal representative of the deceased.

(2) Every person to whom any such residue is so paid or delivered shall apply the same in due course of administration.

Annotations

Modifications (not altering text):

C29 Application of subs. (1)(b) extended (10.03.1954) by *Consular Conventions Act 1954* (10/1954), s. 12(1), commenced on enactment.

Powers of consuls in relation to wrecked ships and property of deceased seamen.

12. —(1) Where it appears to the Minister for Industry and Commerce that any person to whom any money or other property of a deceased seaman may be paid or delivered under paragraph (b) of subsection (1) of section 176 of the Merchant Shipping Act, 1894 (which relates to the disposal of property not exceeding one hundred pounds in value) is resident in a consular convention country, he may pay or deliver the money or property to a consular officer of that country on behalf of that person and the provisions of that section shall have effect accordingly.

...

C30 Application of ss. 169-181 extended (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 29, commenced as per s. 86(2). Note effect of *Merchant Shipping Act, 1906, Adaptation Order 1942* (S.R.& O. No. 484 of 1942).

Property of seaman dying on a ship the voyage of which does not terminate in the United Kingdom.

29. The provisions of Part II of the principal Act, relating to the property of deceased seamen shall be extended so as to apply to seamen belonging to a British ship registered in the United Kingdom, the voyage of which is to terminate out of the United Kingdom, and in that case the British consular officer at the port at which the voyage terminates, or, if the port is in a British possession, the officer of customs there, shall exercise the same powers as he may exercise under those provisions when a ship the voyage of which is to terminate in the United Kingdom touches and remains for forty-eight hours at a port elsewhere than in the United Kingdom, and those provisions shall apply accordingly.

Dealing with deceased seaman's property when leaves a Il.

177.—(1) Where a deceased seaman or apprentice has left a will the Board of Trade may refuse to pay or deliver the above-mentioned residue—

(*a*) if the will was made on board ship, to any person claiming under the will, unless the will is in writing, and is signed or acknowledged by the testator in the presence of, and is attested by, the master or first or only mate of the ship, and

(*b*) if the will was not made on board ship, to any person claiming under the will, and not being related to the testator by blood or marriage, unless the will is in writing, and is signed or acknowledged by the testator in the presence of, and is attested by, two witnesses, one of whom is a superintendent, or is a minister of religion officiating in the place in which the will is made, or, where there are no such persons, a justice, British consular officer, or an officer of customs.

(2) Whenever the Board of Trade refuse under this section to pay or deliver the residue to a person claiming under a will the residue shall be dealt with as if no will had been made.

Annotations

Modifications (not altering text):

C31 Application of ss. 169-181 extended (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 29, commenced as per s. 86(2). Note effect of *Merchant Shipping Act, 1906, Adaptation Order 1942* (S.R.& O. No. 484 of 1942).

Property of seaman dying on a ship the voyage of which does not terminate in the United Kingdom.

29. The provisions of Part II of the principal Act, relating to the property of deceased seamen shall be extended so as to apply to seamen belonging to a British ship registered in the United Kingdom, the voyage of which is to terminate out of the United Kingdom, and in that case the British consular officer at the port at which the voyage terminates, or, if the port is in a British possession, the officer of customs there, shall exercise the same powers as he may exercise under those provisions when a ship the voyage of which is to terminate in the United Kingdom touches and remains for forty-eight hours at a port elsewhere than in the United Kingdom, and those provisions shall apply accordingly.

Claims by editors.

178.—(1) A creditor shall not be entitled to claim from the Board of Trade the property of a deceased seaman or apprentice, or any part thereof, by virtue of representation obtained as creditor.

(2) A creditor shall not be entitled by any means whatever to obtain payment of his debt out of the property, if the debt accrued more than three years before the death of the deceased, or if the demand is not made within two years after the death.

(3) The demand shall be made by the creditor delivering to the Board of Trade an account in writing in a form approved by the Board, stating the particulars of his demand and the place of his abode, and signed by him and verified by a statutory declaration.

(4) If before the demand is made, any claim to the property of the deceased made by any person has been allowed, that Board shall give notice to the creditor of the allowance of the claim.

(5) If no claim has been allowed, the Board of Trade shall investigate the creditor's account, and may for that purpose require him to prove the same, and to produce all books, accounts, vouchers, and papers relating thereto; and if by means of them the creditor satisfies the Board of Trade of the justice of the demand, either in the whole or in part, the same shall be allowed and paid accordingly, so far as the property then in the hands of the Board of Trade will extend for that purpose, and the Board of Trade shall thereby be discharged from all further liability in respect of money so paid; but if the Board are not satisfied as to the claim, or if such books, accounts, vouchers, or papers as aforesaid are not produced, and sufficient reason is not given for their non-production, the demand shall be disallowed.

(6) In any case whatever the Board of Trade may delay the investigation of any demand made by a creditor for the payment of his debt for one year from the time of the first delivery of the demand; and if in the course of that time a claim to the property of the deceased is made by any person as widow, next-of-kin, or legatee, and allowed by the Board of Trade under this Act, the Board of Trade may pay and deliver the same to that person.

(7) Where the property has been paid and delivered by the Board of Trade to any person as a widow, next-of-kin, or legatee of the deceased, whether before or after the demand made by the creditor, the creditor shall have the same rights and remedies against that person as if he had received the property as the legal personal representative of the deceased.

Annotations

Modifications (not altering text):

C32 Application of ss. 169-181 extended (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 29, commenced as per s. 86(2). Note effect of *Merchant Shipping Act, 1906, Adaptation Order 1942* (S.R.& O. No. 484 of 1942).

Property of seaman dying on a ship the voyage of which does not terminate in the United Kingdom.

29. The provisions of Part II of the principal Act, relating to the property of deceased seamen shall be extended so as to apply to seamen belonging to a British ship registered in the United Kingdom, the voyage of which is to terminate out of the United Kingdom, and in that case the British consular officer at the port at which the voyage terminates, or, if the port is in a British possession, the officer of customs there, shall exercise the same powers as he may exercise under those provisions when a ship the voyage of which is to terminate in the United Kingdom touches and remains for forty-eight hours at a port elsewhere than in the United Kingdom, and those provisions shall apply accordingly.

Dealing with unclaimed property of deceased seaman.

179.—Where no claim to the property of a deceased seaman or apprentice received by the Board of Trade is substantiated within six years after the receipt thereof the Board may in their absolute discretion, if any subsequent claim is made, either allow or refuse the claim, and, subject to the allowance of any such claim, shall apply such property in manner provided by Part Twelve of this Act (relating to the Mercantile Marine Fund).

Annotations

Modifications (not altering text):

C33 Application of ss. 169-181 extended (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 29, commenced as per s. 86(2). Note effect of *Merchant Shipping Act, 1906, Adaptation Order 1942* (S.R.& O. No. 484 of 1942).

Property of seaman dying on a ship the voyage of which does not terminate in the United Kingdom.

29. The provisions of Part II of the principal Act, relating to the property of deceased seamen shall be extended so as to apply to seamen belonging to a British ship registered in the United Kingdom, the voyage of which is to terminate out of the United Kingdom, and in that case the British consular officer at the port at which the voyage terminates, or, if the port is in a British possession, the officer of customs there, shall exercise the same powers as he may exercise under those provisions when a ship the voyage of which is to terminate in the United Kingdom touches and remains for forty-eight hours at a port elsewhere than in the United Kingdom, and those provisions shall apply accordingly.

Forgery of documents, &c., for purpose of obtaining property of deceased seamen.

180.—If any person, for the purpose of obtaining, either for himself or for any other person, any property of any deceased seaman or apprentice to the sea service,—

(*a*) forges or fraudulently alters, or assists in forging or fraudulently altering, or procures to be forged or fraudulently altered any document purporting to show or assist in showing any right to such property; or

(*b*) makes use of any document which has been so forged or fraudulently altered as aforesaid; or

(*c*) gives or assists in giving, or procures to be given, any false evidence, knowing the same to be false; or

(*d*) makes or assists in making, or procures to be made, any false representation, knowing the same to be false; or

(*e*) assists in procuring any false evidence or representation to be given or made, knowing the same to be false,—

that person shall for each offence be liable to penal servitude for a term not exceeding five years, or to imprisonment for a term not exceeding two years with or without hard labour, or on summary conviction to imprisonment with or without hard labour for any period not exceeding six months.

Annotations

Modifications (not altering text):

C34 Application of ss. 169-181 extended (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 29, commenced as per s. 86(2). Note effect of *Merchant Shipping Act, 1906, Adaptation Order 1942* (S.R.& O. No. 484 of 1942).

Property of seaman dying on a ship the voyage of which does not terminate in the United Kingdom.

29. The provisions of Part II of the principal Act, relating to the property of deceased seamen shall be extended so as to apply to seamen belonging to a British ship registered in the United Kingdom, the voyage of which is to terminate out of the United Kingdom, and in that case the British consular officer at the port at which the voyage terminates, or, if the port is in a British possession, the officer of customs there, shall exercise the same powers as he may exercise under those provisions when a ship the voyage of which is to terminate in the United Kingdom touches and remains for forty-eight hours at a port elsewhere than in the United Kingdom, and those provisions shall apply accordingly.

Property of seamen discharged from Royal Navy.

181.—Where a seaman invalided or discharged from any of Her Majesty's ships is sent home in a merchant ship, and dies during the voyage, the provisions of this Act respecting the property of deceased seamen shall apply, with this qualification, that the property shall be delivered, paid over, and disposed of in such manner as the Accountant-General of Her Majesty's Navy directs.

Annotations

Modifications (not altering text):

C35 Application of ss. 169-181 extended (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 29, commenced as per s. 86(2). Note effect of *Merchant Shipping Act, 1906, Adaptation Order 1942* (S.R.& O. No. 484 of 1942).

Property of seaman dying on a ship the voyage of which does not terminate in the United Kingdom.

29. The provisions of Part II of the principal Act, relating to the property of deceased seamen shall be extended so as to apply to seamen belonging to a British ship registered in the United Kingdom, the voyage of which is to terminate out of the United Kingdom, and in that case the British consular officer at the port at which the voyage terminates, or, if the port is in a British possession, the officer of customs there, shall exercise the same powers as he may exercise under those provisions when a ship the voyage of which is to terminate in the United Kingdom touches and remains for forty-eight hours at a port elsewhere than in the United Kingdom, and those provisions shall apply accordingly.

Reimbursement of Relief to Seamen's Families.

Relief to seamen's families to be chargeable on a certain proportion of their wages.

182.—(1) Whenever, during the absence of any seaman on a voyage, his wife, or any of his children or step-children, becomes chargeable to any union or parish in the United Kingdom, that union or parish shall be entitled to be reimbursed, out of the wages of the seaman earned during the voyage, any sums properly expended during his absence in the maintenance of those members of his family or any of them, so that the sums do not exceed the following proportions of his wages; (that is to say,)

(*a*) If only one of those members is chargeable, one half of the wages:

(*b*) If two or more of those members are chargeable, two thirds of the wages.

(2) If during the absence of the seaman any sums have been paid by the owner of his ship to or on behalf of any such member as aforesaid, under an allotment note made by the seaman in favour of the member, any claim for reimbursement as aforesaid shall be limited to the excess (if any) of the proportion of the wages herein-before mentioned over the sums so paid.

Notice to owner, and enforcement of charge.

183.—(1) For the purpose of obtaining such reimbursement as aforesaid, the board of guardians in a poor law union in England or Ireland, and the inspector of the poor in any parish in Scotland, may give to the owner of the ship in which the seaman is serving a notice in writing stating the proportion of the seaman's wages upon which it is intended to make a claim, and requiring the owner to retain such proportion in his hands for a period to be therein mentioned, not exceeding twenty-one days from the time of the seaman's return to his port of discharge, and also requiring the owner immediately on the seaman's return to give notice in writing thereof to the board or inspector.

(2) The owner, after receiving any such notice, shall retain the said proportion of wages, and give notice of the seaman's return accordingly, and shall likewise give to the seaman notice of the intended claim.

(3) The board or inspector may, upon the seaman's return, apply to a court of summary jurisdiction having jurisdiction in the union or parish for an order for reimbursement; and that court may make a summary order for the reimbursement to the whole extent claimed, or to such lesser amount as the court, under the circumstances, think fit; and the owner shall pay to the board or inspector out of the seaman's wages the amount so ordered to be paid by way of reimbursement, and shall pay the residue of the wages to the seaman.

(4) If no order for reimbursement is obtained within the period mentioned in the notice given to the owner as aforesaid, the proportion of wages to be retained by him shall immediately on the expiration of that period and without deduction be payable to the seaman.

Destitute Seamen.

Penalty on masters of ships leaving certain seamen in distress in the United Kingdom.

184.—(1) If any person being a native of any country in Asia or Africa, or of any island in the South Sea or the Pacific Ocean, or of any other country not having a consular officer in the United Kingdom, is brought to the United Kingdom in a ship, British or foreign, as a seaman, and is left in the United Kingdom, and within six months of his being so left becomes chargeable upon the poor rate, or commits any act by reason whereof he is liable to be convicted as an idle and disorderly person, or any other act of vagrancy, the master or owner of the ship, or in case of a foreign ship the person who is consignee of the ship at the time of the seaman being so left as aforesaid, shall be liable to a fine not exceeding thirty pounds, unless he can show that the person left as aforesaid quitted the ship without the consent of the master, or that the master, owner, or consignee, has afforded him due means of returning to his native country, or to the country in which he was shipped.

(2) The court inflicting the fine may order the whole or any part of the fine to be applied towards the relief or sending home of the person left.

Annotations

Editorial Notes:

E66 A fine of £30 translates into a Class C fine, not exceeding €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 6, table ref. no. 8, S.I. No. 662 of 2010.

Relief of destitute lascars.

185.—(1) It shall be the duty of the Secretary of State in Council of India to take charge of and send home or otherwise provide for all lascars or other natives of India who are found destitute in the United Kingdom.

(2) If any such destitute person is relieved and maintained by a board of guardians in a poor law union in England or Ireland, or by the inspector of the poor in any parish in Scotland, the board or inspector may give notice thereof in writing to the Secretary of State in Council of India specifying, so far as is practicable, the following particulars; namely,—

(*a*) The name of the person relieved or maintained; and

(*b*) The part of India of which he professes to be a native; and

(*c*) The name of the ship in which he was brought to the United Kingdom; and

(*d*) The port abroad from which the ship sailed, and the port in the United Kingdom at which the ship arrived when he was so brought to the United Kingdom, and the time of the arrival.

(3) The Secretary of State in Council of India shall repay to the board of guardians or inspector out of the revenues of India all moneys duly expended by them or him in relieving or maintaining the destitute person after the time at which the notice is

given, and any money so paid or otherwise paid by the said Secretary of State, on account of the relief or maintenance or passage home of the destitute person, shall be a joint and several debt due to the said Secretary of State from the master and owner of the ship by which the destitute person was brought to the United Kingdom.

(4) This section shall apply only to such lascars or other natives of India as have been brought to the United Kingdom either as seamen, or for employment as seamen, or for employment by the owner of the ship bringing them.

Leaving Seamen Abroad

Discharge of seamen in foreign countries

186.—F99**[**...**]**

Annotations

Amendments:

F99 Repealed (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 85 and sch. 2, commenced as per s. 86(2).

Penalty for forcing seamen on shore or leaving them behind

187.— F100**[**...**]**

Annotations

Amendments:

F100 Repealed (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 85 and sch. 2, commenced as per s. 86(2).

Seamen not to be discharged or left abroad unless sanction or certificate obtained

188.—F101**[**...**]**

Annotations

Amendments:

F101 Repealed (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 85 and sch. 2, commenced as per s. 86(2).

Accounts and payment of wages in case of seamen left abroad

189.—F102**[**...**]**

Annotations

Amendments:

F102 Repealed (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 85 and sch. 2, commenced as per s. 86(2).

Distressed Seamen

Regulations as to relief and maintenance of distressed seamen

190.—F103**[**...**]**

Annotations

Amendments:

F103 Repealed (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 85 and sch. 2, commenced as per s. 86(2).

Provisions for maintenance and relief of distressed seamen

191.—F104**[**...**]**

Annotations

Amendments:

F104 Repealed (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 85 and sch. 2, commenced as per s. 86(2).

Masters of ships compelled to take distressed seamen

192.— F105**[**...**]**

Annotations

Amendments:

F105 Repealed (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 85 and sch. 2, commenced as per s. 86(2).

Recovery of expenses of relief of distressed seamen

193.—F106**[**...**]**

Annotations

Amendments:

F106 Repealed (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 85 and sch. 2, commenced as per s. 86(2).

Editorial Notes:

E67 Previous affecting provision: section amended (1.04.1899) by *Merchant Shipping (Mercantile Marine Fund) Act 1898* (61 & 62 Vict.) c. 44, s. 8 and sch. 4, commenced as per s. 9(3); section repealed as per F-note above.

Payment of expenses out of Mercantile Marine Fund

194.—F107**[...]**

Annotations

Amendments:

F107 Repealed (1.04.1899) by *Merchant Shipping (Mercantile Marine Fund) Act 1898* (61 & 62 Vict.) c. 44, s. 8 and sch. 4, commenced as per s. 9(3).

Volunteering into the Navy.

Seamen allowed to leave their ships in order to enter the Navy.

195.—(1) A seaman may leave his ship for the purpose of forthwith entering the naval service of Her Majesty, and in that case shall not by reason of so leaving his ship be deemed to have deserted therefrom, or otherwise be liable to any punishment or forfeiture whatever.

(2) A stipulation introduced into any agreement whereby a seaman is declared to incur a forfeiture or be exposed to a loss in case he enters the naval service of Her Majesty shall be void, and if a master or owner causes any such stipulation to be so introduced he shall for each offence be liable to a fine not exceeding twenty pounds.

Annotations

Editorial Notes:

E68 A fine of £20 translates into a Class C fine, not exceeding €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 6, table ref. no. 8, S.I. No. 662 of 2010.

Money and effects of seamen volunteering into Navy.

196.—(1) If a seaman, without having previously committed an act amounting to and treated by the master as desertion, leaves his ship in order to enter the naval service of Her Majesty, and is received into that service, the master shall deliver to him his effects on board the ship, and shall pay, subject to all just deductions, the proportionate amount of his wages down to the time of his entering Her Majesty's service, to the officer authorised to receive the seaman into that service, either in money or by bill drawn upon the owner, and payable at sight to the order of the Accountant-General of the Navy; and the receipt of that officer shall be a discharge for the money or bill so given; and the bill shall be exempt from stamp duty.

(2) If the master fails so to deliver the seaman's effects or to pay his wages, as by this section required, he shall, in addition to his liability to deliver and pay the same, be liable for each offence to a fine not exceeding twenty pounds.

(3) If any such bill be not duly paid when presented, the Accountant-General of the Navy or the seaman on whose behalf the bill is given, may sue thereon, or may recover the wages due by all or any of the means by which wages due to seamen are recoverable.

Annotations

Editorial Notes:

E69 A fine of £20 translates into a Class C fine, not exceeding €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 6, table ref. no. 8, S.I. No. 662 of 2010.

Wages of seamen received into Navy.

197.—(1) Where the wages of a seaman received into Her Majesty's naval service are paid in money, the money shall be credited in the ship's ledger to the account of the seaman.

(2) Where the wages are paid by bill, the bill shall be noted in the ship's ledger, and sent to the Accountant-General of the Navy, who shall cause the same to be presented for payment, and shall credit the produce thereof to the account of the seaman.

(3) An officer who receives any such bill shall not be subject to any liability in respect thereof, except for the safe custody thereof until sent to the Accountant-General as aforesaid.

(4) The wages of the seaman shall not be paid to him until the time at which he would have been entitled to receive the same if he had remained in the service of the ship which he has quitted for the purpose of entering Her Majesty's service.

(5) If the owner or master of the ship shows to the satisfaction of the Admiralty, that he has paid or properly rendered himself liable to pay, an advance of wages to or on account of the seaman, and has satisfied that liability, and that the seaman has not at the time of quitting his ship duly earned the advance by service therein, the Admiralty may pay to the owner or master so much of the advance as had not been duly earned, and deduct the sum so paid from any wages of the seaman earned or to be earned in the naval service of Her Majesty.

(6) Where in consequence of a seaman so leaving his ship and entering Her Majesty's service, it becomes necessary for the safety and proper navigation of the ship to engage any substitute, and the wages or other remuneration paid to the substitute for subsequent service exceed the wages or remuneration which would have been payable to the seaman under his agreement for similar service, the master or owner of the ship may apply to the High Court for a certificate authorising the repayment of the excess, and the application shall be made and the certificate granted in accordance with rules of court.

(7) The certificate shall be sent to the applicant or his solicitor or agent, and a copy thereof shall be sent to the Accountant-General of the Navy; and the Accountant-General shall, upon delivery to him of the original certificate together with a receipt in writing purporting to be a receipt from the applicant, pay to the person delivering the certificate, out of the moneys granted by Parliament for Navy services, the amount mentioned in the certificate; and the certificate and receipt shall absolutely discharge the Accountant-General and Her Majesty from all liability in respect of the moneys so paid or of the application thereof.

(8) If any person in making or supporting any application under this section—

(*a*) forges or fraudulently alters, or assists in forging or fraudulently altering, or procures to be forged or fraudulently altered, any document; or

(*b*) presents or makes use of any document so forged or fraudulently altered; or

(*c*) gives, assists in giving, or procures to be given, any false evidence, knowing the same to be false; or

(*d*) makes, assists in making, or procures to be made, any false representation, knowing the same to be false,

that person shall in respect of each offence be guilty of a misdemeanor.

Provisions, Health, and Accommodation.

Complaints as to provisions or water.

198.—(1) If three or more of the crew of a British ship consider that the provisions or water for the use of the crew are at any time of bad quality, unfit for use, or deficient in quantity, they may complain thereof to any of the following officers, namely, an officer in command of one of Her Majesty's ships, a British consular officer, a superintendent, or a chief officer of customs, and the officer may either examine the provisions or water complained of or cause them to be examined.

(2) If the officer, or person making the examination, finds that the provisions or water are of bad quality and unfit for use, or deficient in quantity, he shall signify it in writing to the master of the ship, and if the master of the ship does not thereupon provide other proper provisions or water in lieu of any so signified to be of bad quality and unfit for use, or does not procure the requisite quantity of any provisions or water so signified to be deficient in quantity, or uses any provisions or water so signified to be of bad quality and unfit for use, he shall for each offence be liable to a fine not exceeding twenty pounds.

(3) The officer directing, or the person making, the examination shall enter a statement of the result of the examination in the official log-book, and send a report thereof to the Board of Trade, and that report shall be admissible in evidence in manner provided by this Act.

(4) If the said officer certifies in that statement that there was no reasonable ground for the complaint, each of the complainants shall be liable to forfeit to the owner out of his wages a sum not exceeding one week's wages.

Annotations

Editorial Notes:

E70 A fine of £20 translates into a Class C fine, not exceeding €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 6, table ref. no. 8, S.I. No. 662 of 2010.

Allowance for short or bad provisions.

199.—F108**[**...**]**

Annotations

Amendments:

F108 Repealed (20.08.2014) by *Merchant Shipping (Maritime Labour Convention) (Accommodation, Recreational Facilities, Food, Catering and Ships Cooks) Regulations 2014* (S.I. No. 374 of 2014), reg. 34(a), in effect as per reg. 1(2).

Editorial Notes:

E71 Previous affecting provision: application of section extended (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 25, commenced as per s. 86(2); section repealed as per F-note above.

Regulations respecting medicines, anti-scorbutics, &c.

200.—(1) The Board of Trade shall issue scales of medicines and medical stores suitable for different classes of ships and voyages, and shall also prepare or sanction books containing instructions for dispensing the same.

(2) The owner of every ship navigating between the United Kingdom and any place out of the same shall provide and cause to be kept on board a supply of medicine and medical stores according to the scale appropriate to the ship, and also the said books or one of them.

(3) The master or owner of every such ship, except in the case of—

(*a*) ships bound to European ports or ports in the Mediterranean Sea; and

(*b*) such ships or classes of ships bound to ports on the eastern coast of America, north of the thirty-fifth degree of north latitude, and to any islands or places in the Atlantic Ocean north of the same limit as the Board of Trade may exempt;

shall provide and cause to be kept on board a sufficient quantity of anti-scorbutics in accordance with the regulations in the Fifth Schedule to this Act, and those regulations shall have effect as part of this section, and the master shall serve out the anti-scorbutics to the crew according to the said regulations, and if a seaman or apprentice refuses or neglects to take the anti-scorbutics when served out, that fact shall be entered in the official log-book, and the entry shall be signed by the master and by the mate or some other of the crew, and also by the medical practitioner on board if any.

(4) If any requirement of this section with respect to the provision of medicines, medical stores, book. of instruction, or anti-scorbutics is not complied with in the case of any ship, the owner or master of that ship shall, for each offence, be liable to a fine not exceeding twenty pounds, unless he can prove that the non-compliance was not caused through his inattention, neglect, or wilful default.

(5) If any requirement of this section with respect to the serving out of anti-scorbutics or making an entry in the official log-book is not complied with in the case of any ship to which the requirement applies, the master of the ship shall, for each offence, be liable to a fine not exceeding five pounds, unless he can prove that the non-compliance did not arise through any neglect, omission, or wilful default on his part.

(6) If it is proved that some person, other than the master or owner, is in default in any case under this section, that person shall, for each offence, be liable to a fine not exceeding twenty pounds.

(7) If any person manufactures, sells, or keeps, or offers for sale any medicines or medical stores for use on board ship which are of bad quality, he shall for each offence, be liable to a fine not exceeding twenty pounds.

Annotations

Editorial Notes:

E72 A fine of £20 translates into a Class C fine, not exceeding €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 6, table ref. no. 8, S.I. No. 662 of 2010.

E73 A fine of £5 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

Weights and measures on board.

201.—(1) The master of a ship shall keep on board proper weights and measures for determining the quantities of the several provisions and articles served out, and shall allow the same to be used at the time of serving out the provisions and articles in the presence of a witness whenever any dispute arises about the quantities.

(2) If the master of a ship fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding ten pounds.

Annotations

Editorial Notes:

E74 A fine of £10 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

Inspection of medicines, medical stores, and anti-scorbutics.

202.—(1) It shall be the duty of the medical inspector of ships for the port appointed under this Part of this Act to inspect the medicines, medical stores, and anti-scorbutics with which a ship is required by this Part of this Act to be provided.

(2) For the purpose of that inspection a medical inspector of ships shall have all the powers of a Board of Trade inspector under this Act, and shall act, if appointed by a local marine board, under the direction of that board (except in special cases in which the Board of Trade require an inspection to be made), and, if appointed by the Board of Trade, under the direction of the Board of Trade.

(3) The medical inspector of ships shall make his inspection three clear days at least before the ship proceeds to sea, if reasonable notice in writing for the purpose is given to him by the master, owner, or consignee, and, where the result of the inspection is satisfactory, shall not make another inspection before the ship proceeds to sea, unless he has reason to suspect that any of the articles inspected have been subsequently removed, injured, or destroyed.

(4) If the medical inspector of ships is of opinion that the articles inspected are deficient in quantity or quality, or are placed in improper vessels, he shall give notice in writing to the chief officer of customs of the port where the ship is lying, and also to the master, owner, or consignee thereof, and the master of the ship before proceeding to sea shall produce to the chief officer of customs a certificate under the hand of the same or some other medical inspector of ships, that the default found by the inspector has been remedied, and if that certificate is not so produced, the ship shall be detained until the certificate is produced and if the ship proceeds to sea, the owner, master, or consignee of the ship shall, for each offence, be liable to a fine not exceeding twenty pounds.

Annotations

Editorial Notes:

E75 A fine of £20 translates into a Class C fine, not exceeding €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 6, table ref. no. 8, S.I. No. 662 of 2010.

Medical inspection of seamen.

203.—(1) A medical inspector of seamen appointed under this Part of this Act shall, on application by the owner or master of any ship, examine any seaman applying for employment in that ship, and give to the superintendent a report under his hand stating whether the seaman is in a fit state for duty at sea, and a copy of the report shall be given to the master or owner.

(2) The applicant for that medical examination shall pay to the superintendent such fees as the Board of Trade direct, and those fees shall be paid into the Mercantile Marine Fund.

Appointment of medical inspectors.

204.—(1) The local marine board at a port may, upon being required by the Board of Trade to do so, appoint and remove a medical inspector of ships for the port, and subject to the control of the Board of Trade may fix his remuneration, and at any port

where there is no local marine board, the Board of Trade may appoint and remove a medical inspector of ships and may fix his remuneration.

(2) The local marine board, and at a port where there is no such local marine board the Board of Trade, may appoint and remove a medical inspector of seamen, and that inspector shall be paid out of the Mercantile Marine Fund such remuneration as the Board of Trade direct.

Appointment of medical inspector, and regulations as to supply of anti-scorbutics in colonies.

205.—The governor of a British possession shall have the power in that possession—

(*a*) of appointing medical inspectors of seamen, of charging fees for medical examinations by those inspectors, and of determining the remuneration to be paid to those inspectors; and,

(*b*) subject to the laws of that possession, to make regulations concerning the supply in that possession of anti-scorbutics for the use of ships, and anti-scorbutics duly supplied in accordance with those regulations shall be deemed to be fit and proper for the use of ships.

Inspection of provisions and water for crew of certain ships.

206.—(1) In the case of ships trading or going from any port of the United Kingdom through the Suez Canal, or round the Cape of Good Hope or Cape Horn, the barrels of beef and pork, the preserved meat and vegetables in tins, and the casks of flour or biscuits, intended for the use of the crew of any such ship shall be inspected by such officer and in such manner as rules under this section direct, but before shipment whenever practicable, and, if in the opinion of the inspecting officer they are fit for that use, that officer shall certify the same accordingly in manner directed by such rules.

(2) The inspecting officer may at any time proceed on board any such ship to ascertain whether the stores and water provided have been duly inspected, or, if not, whether they are of a quality fit for the use of the crew of the ship, and if he finds the same not to have been inspected, and to be deficient in quality, the ship shall be detained until the defects are remedied to his satisfaction.

(3) No fee for an inspection under this section shall be levied on the ship.

(4) The Board of Trade may make rules for carrying into effect this section, but all such rules shall be laid before Parliament within three weeks after they are made, if Parliament be then sitting, and if Parliament be not then sitting, within three weeks after the beginning of the then next meeting of Parliament, and shall not come into operation until they have lain for forty days before both Houses of Parliament during the session of Parliament.

(5) The Board of Trade may appoint officers for the purposes of any inspection under this section, and may, with the concurrence of the Treasury, assign them remuneration to be paid out of moneys provided by Parliament.

Annotations

Modifications (not altering text):

C36 Inspection powers of authorised officers extended (1.01.1954) by *Health Act 1953* (26/1953), s. 68(1), S.I. No. 377 of 1953.

Inspection of provisions and water for crew of Irish ships.

68. (1) An authorised officer may, as respects an Irish ship, carry out any inspection under section 206 of the Merchant Shipping Act, 1894 , or section 26 of the Merchant Shipping Act, 1906 , in like manner and with the like powers as if he had been duly appointed under the said section 206.

...

C37 Powers of inspecting officer extended (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 26(1), commenced as per s. 86(2). A fine of £100 translates into a Class A fine, not exceeding €5,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 4, table ref. no. 8, S.I. No. 662 of 2010. A fine of £10 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by Fines Act 2010 (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

Inspection of provisions and water.

26.—(1) An inspecting officer appointed under section two hundred and six of the principal Act may inspect (either on board the ship or before shipment) any provisions or water intended for the use of the crew of any British ship which is going from any port in the United Kingdom and for which an agreement with the crew is required under the Merchant Shipping Acts (other than provisions provided by the crew themselves), and if he finds that the provisions or water are in any respect deficient in quality, the ship shall be detained until the defects are remedied to his satisfaction:

Provided that any inspection of provisions or water under this section shall be made before shipment whenever practicable, and, if the master, owner, or agent of a ship gives notice to the inspecting officer that any provisions or water for the ship are ready for inspection, the inspecting officer shall not have power to inspect any such provisions or water under this section if they are at a convenient place for inspection, except within forty-eight hours after the notice is given, without prejudice to the power of the inspecting officer to inspect any provisions or water not specified in the notice or without unnecessarily delaying the ship to proceed on board the ship in order to satisfy himself that there has been no evasion of the requirements of this section by the substitution of other provisions or water for those which have been inspected on shore or specified in a notice as being the provisions or water for the ship, or otherwise.

(2) Where any provisions or water are found deficient in quality under this section, the master of the ship shall be liable on summary conviction to a fine not exceeding a hundred pounds, unless the court before which the case is tried think that the finding of the inspecting officer was not justified; but if the master of the ship shows to the satisfaction of the court that the responsibility for the defects in the provisions or water rests either with the owner of the ship, or any agent of the owner of the ship, or with the person who has supplied the provisions or water, that agent, owner, or person shall be liable to conviction for the offence instead of the master, and the master shall be exempt.

(3) The master of the ship and any other person having charge of any provisions or water liable to inspection under this section shall give the inspecting officer every reasonable facility for the purpose of his inspection under this section, and, if he refuses or fails to do so shall be liable for each offence on summary conviction to a fine not exceeding ten pounds.

Expenses of medical attendance in case of illness.

207.—F109**[**...**]**

Annotations

Amendments:

F109 Repealed (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 85 and sch. 2, commenced as per s. 86(2).

Recovery of expenses from owner.

208.—F110**[**...**]**

Annotations

Amendments:

F110 Repealed (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 85 and sch. 2, commenced as per s. 86(2).

Certain ships to carry medical practitioners.

209.—(1) Every foreign-going ship, having one hundred persons or upwards on board, shall carry on board as part of her complement some duly qualified medical practitioner, and if she does not the owner shall for every voyage of the ship made without a duly qualified medical practitioner be liable to a fine not exceeding one hundred pounds.

(2) Nothing in this section shall apply to an emigrant ship within the meaning of the Third Part of this Act.

Annotations

Editorial Notes:

E76 A fine of £100 translates into a Class A fine, not exceeding €5,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 4, table ref. no. 8, S.I. No. 662 of 2010.

ccommodation for seamen.

210.—(1) Every place in any British ship occupied by seamen or apprentices, and appropriated to their use, shall have for each of those seamen or apprentices a space of not less than seventy-two cubic feet, and of not less than twelve superficial feet measured on the deck or floor of that place, and shall be subject to the regulations in the Sixth Schedule to this Act, and those regulations shall have effect as part of this section, and if any of the foregoing requirements of this section is not complied with in the case of any ship, the owner of the ship shall for each offence be liable to a fine not exceeding twenty pounds.

(2) Every place so occupied and appropriated shall be kept free from goods and stores of any kind not being the personal property of the crew in use during the voyage, and if any such place is not so kept free, the master shall forfeit and pay to each seaman or apprentice lodged in that place the sum of one shilling for each day during which, after complaint has been made to him by any two or more of the seamen so lodged, it is not so kept free.

(3) Such fees as the Board of Trade fix shall be paid in respect of an inspection for the purposes of this section, not exceeding the fees specified in the Sixth Schedule to this Act.

Annotations

Modifications (not altering text):

C38 Reference to space provided to crew in subs. (1) construed (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 64(1), commenced as per s. 86(2).

Increase of crew space

64. —(1) Subsection (1) of section two hundred and ten of the principal Act (which provides for the space required for each seaman or apprentice in any place in a British ship occupied by seamen or apprentices and appropriated to their use) shall be construed as if a space of not less than one hundred and twenty cubic feet and of not less than fifteen superficial feet measured on the deck or floor of that place were substituted for a space of not less than seventy-two cubic feet and of not less than twelve superficial feet measured on the deck or floor of that place.

...

Editorial Notes:

E77 A fine of £20 translates into a Class C fine, not exceeding €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 6, table ref. no. 8, S.I. No. 662 of 2010.

E78 Power pursuant to section exercised (15.12.2010) by *Merchant Shipping (Fees) Order 2010* (S.I. No. 594 of 2010), in effect as per art. 1(2)

Facilities for making Complaint.

Facilities for making complaint.

211.—(1) If a seaman or apprentice whilst on board ship states to the master of the ship his desire to make a complaint to a justice of the peace, British consular officer, or officer in command of one of Her Majesty's ships, against the master or any of the crew, the master shall, so soon as the service of the ship will permit,—

(*a*) if the ship is then at a place where there is such a justice or officer as aforesaid, after such statement, and

(*b*) if the ship is not then at such a place, after her first arrival at such a place,

allow the complainant to go ashore or send him ashore in proper custody, or, in the case of complaint to a naval officer, to the ship of such officer, so that he may be enabled to make his complaint.

(2) If the master of a ship fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding ten pounds.

Annotations

Editorial Notes:

E79 A fine of £10 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

Protection of Seamen from Imposition.

Assignment or sale of salvage invalid.

212.—Subject to the provisions of this Act an assignment or sale of salvage payable to a seaman or apprentice to the sea service made prior to the accruing thereof shall not bind the person making the same; and a power of attorney or authority for the receipt of any such salvage shall not be irrevocable.

No debt exceeding 5*s*. recoverable till end of voyage.

213.—A debt exceeding in amount five shillings incurred by any seaman after he is engaged to serve shall not be recoverable until the service agreed for is concluded.

Seamen's lodging-houses.

30 & 31 Vict. c. 101.

214.—(1) A local authority herein-after mentioned whose district includes a seaport may, with the approval of the Board of Trade, make byelaws relating to seamen's lodging-houses in their district, and those byelaws shall be binding upon all persons keeping houses in which seamen are lodged and upon the owners thereof and persons employed therein.

41 & 42 Vict. c. 52.

(2) The byelaws shall amongst other things provide for the licensing, inspection, and sanitary conditions of seamen's lodging-houses, for the publication of the fact of a house being licensed, for the due execution of the byelaws, for preventing the obstruction of persons engaged in securing that execution, for the preventing of persons not duly licensed holding themselves out as keeping or purporting to keep licensed houses, and for the exclusion from licensed houses of persons of improper

character, and shall impose sufficient fines not exceeding fifty pounds for the breach of any byelaw.

(3) The byelaws shall come into force from a date therein named, and shall be published in the London Gazette and in one newspaper at the least circulating in the district, and designated by the Board of Trade.

(4) If the local authority do not within a time in each case named by the Board of Trade make, revoke, or alter, any byelaws under this section, the Board of Trade may do so.

(5) Whenever Her Majesty in Council orders that in any district or any part thereof none but persons duly licensed in pursuance of byelaws under this section shall keep seamen's lodging-houses or let lodgings to seamen from a date therein named, a person acting in contravention of that order shall for each offence be liable to a fine not exceeding one hundred pounds.

(6) A local authority may defray all expenses incurred in the execution of this section out of any funds at their disposal as sanitary authority, and fines recovered for a contravention of this section or of any byelaw under this section shall be paid to such authority and added to those funds.

(7) In this section the expression " local authority " means in the administrative county of London the county council, and elsewhere in England the local authority under the Public Health Acts, and in Scotland the local authority under the Public Health (Scotland) Act, 1867, and the Acts amending the same, and in Ireland the local authority under the Public Health (Ireland) Act, 1878, and the expression " district " means the area under the authority of such local authority.

Annotations

Modifications (not altering text):

C39 Reference to the London Gazette construed (23.12.1927) by *Merchant Shipping Act, 1894, Adaptation (No. 2) Order 1927* (S.R. & O. No. 106 of 1927), art. 3.

3. The references to the London Gazette contained in the Merchant Shipping Act, 1894 (other than the reference thereto contained in subsection (2) of section 738 and the reference thereto contained in section 740 of the said Act) shall be construed as references to the Iris Oifigiúil and the said Act shall have effect accordingly.

Editorial Notes:

E80 A fine of £50 translates into a Class B fine, not exceeding €4,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 5, table ref. no. 8, S.I. No. 662 of 2010.

E81 A fine of £100 translates into a Class A fine, not exceeding €5,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 4, table ref. no. 8, S.I. No. 662 of 2010.

Penalty for overcharges by lodging-house keepers.

215.—If a person demands or receives from a seaman or apprentice to the sea service payment in respect of his board or lodging in the house of that person for a longer period than the seaman or apprentice has actually resided or boarded therein, that person shall for each offence be liable to a fine not exceeding ten pounds.

Annotations

Editorial Notes:

E82 A fine of £10 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

Penalty for detaining seamen's effects.

216.—(1) If a person receives or takes into his possession or under his control any money or effects of a seaman or apprentice to the sea service, and does not return the same or pay the value thereof, when required by the seaman or apprentice, subject to such deduction as may be justly due to him from the seaman or apprentice in respect of board or lodging or otherwise, or absconds therewith, he shall for each offence be liable to a fine not exceeding ten pounds.

(2) A court of summary jurisdiction may, besides inflicting a fine, by summary order direct the amount of the money, or the value of the effects, subject to such deduction as aforesaid (if any), or the effects themselves, to be forthwith paid or delivered to the seaman or apprentice.

Annotations

Editorial Notes:

E83 A fine of £10 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

Penalty for solicitations by lodging-house keepers.

217.—If within twenty-four hours after the arrival of a ship at a port in the United Kingdom, a person then being on board the ship solicits a seaman to become a lodger at the house of a person letting lodgings for hire, or takes out of the ship any effects of a seaman, except under the personal direction of the seaman, and with the permission of the master, he shall for each offence be liable to a fine not exceeding five pounds.

Annotations

Editorial Notes:

E84 A fine of £5 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

Penalty for being on board ship without permission before seamen leave.

218.—Where a ship is about to arrive, is arriving, or has arrived at the end of her voyage, and any person, not being in Her Majesty's service or not being duly authorised by law for the purpose,—

(*a*) goes on board the ship, without the permission of the master, before the seamen lawfully leave the ship at the end of their engagement, or are discharged (whichever last happens); or,

(*b*) being on board the ship, remains there after being warned to leave by the master, or by a police officer, or by any officer of the Board of Trade or of the customs,

that person shall for each offence be liable to a fine not exceeding twenty pounds, or, at the discretion of the court, to imprisonment for any term not exceeding six months; and the master of the ship or any officer of the Board of Trade may take him into custody, and deliver him up forthwith to a constable to be taken, before a court capable of taking cognizance of the offence.

Annotations

Editorial Notes:

E85 A fine of £20 translates into a Class C fine, not exceeding €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 6, table ref. no. 8, S.I. No. 662 of 2010.

Application of provisions of previous section to foreign ships.

219.—Whenever it is made to appear to Her Majesty that the Government of a foreign country—

(*a*) has provided that unauthorised persons going on board British ships which are about to arrive or have arrived within its territorial jurisdiction shall be subject to provisions similar to those of the last preceding section which are applicable to persons going on board British ships at the end of their voyages; and

(*b*) is desirous that the provisions of the said section shall apply to unauthorised persons going on board ships of that foreign country within British territorial jurisdiction,

Her Majesty in Council may order that those provisions shall apply to the ships of that foreign country, and have effect as if the ships of that country arriving, about to arrive, or having arrived at the end of their voyage, were British ships.

Provisions as to Discipline.

Misconduct endangering life or ship.

220.—F111**[**...**]**

Annotations

Amendments:

F111 Repealed (29.07.2005) by *Maritime Safety Act 2005* (11/2005), s. 3 and sch., commenced as per s. 1(10).

Desertion and absence without leave.

221.—If a seaman lawfully engaged, or an apprentice to the sea service, commits any of the following offences he shall be liable to be punished summarily as follows:—

(*a*) F112**[**...**]**

(*b*) If he neglects, or refuses without reasonable cause, to join his ship, or to proceed to sea in his ship, or is absent without leave at any time within twenty-four hours of the ship's sailing from a port, either at the commencement or during the progress of a voyage, or is absent at any time without leave and without sufficient reason from his ship or from his duty, he shall, F113**[**...**]** be guilty of the offence of absence without leave, and be liable to forfeit out of his wages a sum not exceeding two days pay, and in addition for every twenty-four hours of absence, either a sum not exceeding six days pay, or any expenses properly incurred in hiring a substitute F113**[**...**]**.

Annotations

Amendments:

F112 Deleted (16.06.1998) by *Merchant Shipping (Miscellaneous Provisions) Act 1998* (20/1998), s. 2(a)(i), commenced on enactment.

F113 Deleted (16.06.1998) by *Merchant Shipping (Miscellaneous Provisions) Act 1998* (20/1998), s. 2(a)(ii) and (iii), commenced on enactment.

Modifications (not altering text):

C40 Application of para. (b) affected (30.01.1948) by *Merchant Shipping Act 1947* (46/1947), s. 6, S.I. No. 33 of 1948. A fine of £10 translates into a Class E fine, not exceeding €500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 8, table ref. no. 6, S.I. No. 662 of 2010.

Fine on conviction of offence of absence without leave.

6.—A seaman who is guilty of the offence of absence without leave specified in paragraph (b) of section 221 of the Principal Act shall, without prejudice to the provisions of that paragraph, be liable on summary conviction of the offence to a fine not exceeding ten pounds.

Conveyance of deserter on board ship.

222.—F114**[**...**]**

Annotations

Amendments:

F114 Repealed (16.06.1998) by *Merchant Shipping (Miscellaneous Provisions) Act 1998* (20/1998), s. 2(b), commenced on enactment.

Provisions as to arrest and imprisonment applying out of the United Kingdom.

223.—(1) If out of the United Kingdom, either at the commencement or during the progress of any voyage, a seaman or apprentice is guilty of the offence of desertion or of absence without leave, or otherwise absents himself from his ship without leave, the master, any mate, the owner, ship's husband, or consignee, may in any place in Her Majesty's dominions out of the United Kingdom, with or without the assistance of the local police officers or constables (and those officers and constables are hereby directed to give assistance if required), and also at any place out of Her Majesty's dominions, if and so far as the laws in force at that place will permit, arrest him without first procuring a warrant.

(2) A person so arresting a seaman or apprentice may in any case, and shall in case the seaman or apprentice so requires and it is practicable, convey him before some court capable of taking cognizance of the matter to be dealt with according to law, and for that purpose may detain him in custody for a period not exceeding twenty-four hours, or such shorter time as may be necessary; but if the seaman or apprentice does not require to be so taken before a court, or if there is no such court at or near the place, the person arresting him may at once convey him on board his ship.

(3) If it appears to the court before whom, the case is brought that an arrest under this section has been made on improper or on insufficient grounds, the master, mate, owner, ship's husband, or consignee who made the arrest, or caused it to be made, shall be liable to a fine not exceeding twenty pounds; but the infliction of that fine shall be a bar to any action for false imprisonment in respect of the arrest.

(4) If out of the United Kingdom, a seaman or apprentice is imprisoned for having been guilty of the offence of desertion or of absence without leave, or for having committed any other breach of discipline, and during his imprisonment and before his engagement is at an end, his services are required on board his ship, a justice of the peace may, on the application of the master or of the owner or his agent, notwithstanding that the period of imprisonment is not at an end, cause the seaman or apprentice to be conveyed on board his ship for the purpose of proceeding on the voyage, or to be delivered to the master or any mate of the ship, or to the owner or his agent, to be by them so conveyed.

Annotations

Editorial Notes:

E86 A fine of £20 translates into a Class C fine, not exceeding €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 6, table ref. no. 8, S.I. No. 662 of 2010.

Power of court to order offender to be taken on board ship.

224.—F115**[**...**]**

Annotations

Amendments:

F115 Repealed (16.06.1998) by *Merchant Shipping (Miscellaneous Provisions) Act 1998* (20/1998), s. 2(b), commenced on enactment.

General offences against discipline.

225.—(1) If a seaman lawfully engaged or an apprentice to the sea service commits any of the following offences, in this Act referred to as offences against discipline, he shall be liable to be punished summarily as follows; (that is to say,)

(*a*) If he quits the ship without leave after her arrival at her port of delivery, and before she is placed in security, he shall be liable to forfeit out of his wages a sum not exceeding one month's pay:

(*b*) If he is guilty of wilful disobedience to any lawful command, he shall be liable to imprisonment for a period not exceeding four weeks, and also, at the discretion of the court, to forfeit out of his wages a sum not exceeding two days pay:

(*c*) If he is guilty of continued wilful disobedience to lawful commands or continued wilful neglect of duty, he shall be liable to imprisonment for a period not exceeding twelve weeks, and also, at the discretion of the court, to forfeit for every twenty-four hours continuance of disobedience or neglect, either a sum not exceeding six days pay, or any expenses properly incurred in hiring a substitute:

(*d*) If he assaults the master or any mate or certificated engineer of the ship, he shall be liable to imprisonment for a period not exceeding twelve weeks:

(*e*) If he combines with any of the crew to disobey lawful commands, or to neglect duty, or to impede the navigation of the ship or the progress of the voyage, he shall be liable to imprisonment for a period not exceeding twelve weeks:

(*f*) If he wilfully damages his ship, or embezzles or wilfully damages any of her stores or cargo, he shall be liable to forfeit out of his wages a sum equal to the loss thereby sustained, and also, at the discretion of the court, to imprisonment for a period not exceeding twelve weeks:

(*g*) If he is convicted of any act of smuggling, whereby loss or damage is occasioned to the master or owner of the ship, he shall be liable to pay to that master or owner a sum sufficient to reimburse the loss or damage; and the whole or a proportionate part of his wages may be retained in satisfaction or on account of that liability, without prejudice to any further remedy.

(2) Any imprisonment under this section may be with or without hard labour.

Annotations

Editorial Notes:

E87 Previous affecting provision: application of subs. (1)(b) extended (1.07.1915) by *Merchant Shipping (Convention) Act 1914* (4 & 5 Geo. 5) c. 50, s. 12(3), commenced as per s. 29(5) but subject to second paragraph; repealed (3.11.1933) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 67(2) and sch. 2 part III, commenced on enactment.

Summary remedies not to affect other remedies.

226.—Nothing in the last preceding section or in the sections relating to the offences of desertion or absence without leave shall take away or limit any remedy by action or by summary procedure before justices which an owner or master would but for those provisions have for any breach of contract in respect of the matters constituting an offence under those sections, but an owner or master shall not be compensated more than once in respect of the same damage.

Penalty for false statement as to last ship or name.

227.—(1) If a seaman on or before being engaged wilfully and fraudulently makes a false statement of the name of his last ship or alleged last ship, or wilfully and fraudulently makes a false statement of his own name, he shall for each offence be liable to a fine not exceeding five pounds.

(2) The fine may be deducted from any wages the seaman may earn by virtue of his engagement as aforesaid, and shall, subject to reimbursement of the loss and expenses (if any) occasioned by any desertion previous to the engagement, be paid and applied in the same manner as other fines under this Act.

Annotations

Editorial Notes:

E88 A fine of £5 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

Entry of offences in official log.

228.—If any offence, within the meaning of this Act, of desertion or absence without leave or against discipline is committed, or if any act of misconduct is committed for which the offender's agreement imposes a fine and it is intended to enforce the fine,

(*a*) an entry of the offence or act shall be made in the official log-book, and signed by the master and also by the mate or one of the crew; and

(*b*) the offender, if still in the ship, shall before the next subsequent arrival of the ship at any port, or if she is at the time in port before her departure therefrom, either be furnished with a copy of the entry or have the same read over distinctly and audibly to him, and may thereupon make such reply thereto as he thinks fit; and

(*c*) a statement of a copy of the entry having been so furnished, or of the entry having been so read over, and, in either case, the reply (if any) made by the offender, shall likewise be entered and signed in manner aforesaid; and

(*d*) in any subsequent legal proceeding the entries by this section required shall, if practicable, be produced or proved, and in default of that production or proof the court hearing the case may, in their discretion, refuse to receive evidence of the offence or act of misconduct.

Entries and certificates of desertion abroad.

229.—(1) In every case of desertion from a ship in any port abroad the master shall produce the entry of the desertion in the official log-book to the person by this Act authorised to grant certificates for leaving seamen behind abroad; and that person shall thereupon make and certify a copy of the entry.

(2) The copy shall be forthwith transmitted to the Registrar-General of Shipping and Seamen in England by the person by whom the copy is made and certified, if he is a public functionary, and if he is not, by the master, and shall be admissible in evidence in manner provided by this Act.

Register of deserters.

230.—A superintendent shall keep at his office a list of the seamen who, to the best of his knowledge and belief, have deserted or failed to join their ships after signing

an agreement to proceed to sea in them, and shall on request show the list to a master of a ship, and shall not be liable in respect of any entry made in good faith in the list.

Facilities for proving desertion in proceedings for forfeiture of wages.

231.—(1) Whenever a question arises whether the wages of any seaman or apprentice are forfeited for desertion from a ship, it shall be sufficient for the person insisting on the forfeiture to show that the seaman or apprentice was duly engaged in or belonged to the ship, and either that he left the ship before the completion of the voyage or engagement, or, if the voyage was to terminate in the United Kingdom and the ship has not returned, that he is absent from her, and that an entry of his desertion has been duly made in the official log-book.

(2) The desertion shall thereupon, so far as relates to any forfeiture of wages under this Part of this Act, be deemed to be proved, unless the seaman or apprentice can produce a proper certificate of discharge, or can otherwise show to the satisfaction of the court that he had sufficient reasons for leaving his ship.

Application of forfeitures.

232.—(1) Where any wages or effects are under this Act forfeited for desertion from a ship, those effects may be converted into money, and those wages and effects, or the money arising from the conversion of the effects, shall be applied towards reimbursing the expenses caused by the desertion to the master or owner of the ship, and subject to that reimbursement shall be paid into the Exchequer, and carried to the Consolidated Fund.

(2) For the purpose of such reimbursement, the master or the owner, or his agent may, if the wages are earned subsequently to the desertion, recover them in the same manner as the deserter could have recovered them if not forfeited; and the court in any legal proceeding relating to such wages may order them to be paid accordingly.

(3) Where wages are forfeited under the foregoing provisions of this Act in any case other than for desertion, the forfeiture shall, in the absence of any specific provision to the contrary, be for the benefit of the master or owner by whom the wages are payable.

Decision of questions of forfeiture and deductions in suits for wages.

233.—Any question concerning the forfeiture of or deductions from the wages of a seaman or apprentice may be determined in any proceeding lawfully instituted with respect to those wages, notwithstanding that the offence in respect of which the question arises, though by this Act made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding.

Ascertainment of amount of forfeiture out of wages.

234.—If a seaman contracts for wages by the voyage or by the run or by the share, and not by the month or other stated period of time, the amount of forfeiture to be incurred under this Act shall be an amount bearing the same proportion to the whole wages or share, as a month or any other period herein-before mentioned in fixing the amount of such forfeiture (as the case may be) bears to the whole time spent in the voyage or run; and if the whole time spent in the voyage or run does not exceed the period for which the pay is to be forfeited, the forfeiture shall extend to the whole wages or share.

Deduction from wages, and payments to superintendents, etc. of fines.

235.—F116**[**...**]**

Annotations

Amendments:

F116 Repealed (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 85 and sch. 2, commenced as per s. 86(2).

Penalty for enticing to desert and harbouring deserters.

236.—(1) If a person by any means whatever persuades or attempts to persuade a seaman or apprentice to neglect or refuse to join or proceed to sea in or to desert from his ship, or otherwise to absent himself from his duty, he shall for each offence in respect of each seaman or apprentice be liable to a fine not exceeding ten pounds.

(2) If a person wilfully harbours or secretes a seaman or apprentice who has wilfully neglected or refused to join, or has deserted from his ship, knowing or having reason to believe the seaman or apprentice to have so done, he shall for every seaman or apprentice so harboured or secreted be liable to a fine not exceeding twenty pounds.

Annotations

Editorial Notes:

E89 A fine of £10 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by Fines Act 2010 (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

E90 A fine of £20 translates into a Class C fine, not exceeding €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 6, table ref. no. 8, S.I. No. 662 of 2010.

Penalty on stowaways, and discipline of stowaways and seamen carried under compulsion.

237.—(1) If a person secretes himself and goes to sea in a ship without the consent of either the owner, consignee, or master, or of a mate, or of the person in charge of the ship, or of any other person entitled to give that consent, he shall be liable to a fine not exceeding twenty pounds, or, in the discretion of the court, to imprisonment, with or without hard labour, for a period not exceeding four weeks.

(2) Every seafaring person whom the master of a ship is, under the authority of this or any other Act, compelled to take on board and convey, and every person who goes to sea in a ship without such consent as aforesaid, shall, so long as he remains in the ship, be deemed to belong to the ship, and be subject to the same laws and regulations for preserving discipline, and to the same fines and punishments for offences constituting or tending to a breach of discipline, as if he were a member of, and had signed the agreement with, the crew.

Annotations

Editorial Notes:

E91 A fine of £20 translates into a Class C fine, not exceeding €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 6, table ref. no. 8, S.I. No. 662 of 2010.

Deserters from foreign ships.

238.—F117**[**...**]**

Annotations

Amendments:

F117 Repealed (16.06.1998) by *Merchant Shipping (Miscellaneous Provisions) Act 1998* (20/1998), s. 2(b), commenced on enactment.

Official Logs.

Official logs to be kept and to be evidence.

239.—(1) An official log shall be kept in every ship (except ships employed exclusively in trading between ports on the coasts of Scotland) in the appropriate form for that ship approved by the Board of Trade.

(2) The Board of Trade shall approve forms of official log-books, which may be different for different classes of ships, so that each such form shall contain proper spaces for the entries required by this Act.

(3) The official log may, at the discretion of the master or owner, be kept distinct from, or united with, the ordinary ship's log, so that in all cases the spaces in the official log-book be duly filled up.

(4) An entry required by this Act in an official log-book shall be made as soon as possible after the occurrence to which it relates, and if not made on the same day as that occurrence shall be made and dated so as to show the date of the occurrence and of the entry respecting it; and if made in respect of an occurrence happening before the arrival of the ship at her final port of discharge shall not be made more than twenty-four hours after that arrival.

(5) Every entry in the official log-book shall be signed by the master, and by the mate, or some other of the crew, and also

(*a*) if it is an entry of illness, injury, or death, shall be signed by the surgeon, or medical practitioner on board (if any); and

(*b*) if it is an entry of wages due to, or of the sale of the effects of, a seaman or apprentice who dies, shall be signed by the mate and by some member of the crew besides the master; and

(*c*) if it is an entry of wages due to a seaman who enters Her Majesty's naval service, shall be signed by the seaman, or by the officer authorised to receive the seaman into that service.

(6) Every entry made in an official log-book in manner provided by this Act shall be admissible in evidence.

Entries required in official log-book.

240.—The master of a ship for which an official log is required shall enter or cause to be entered in the official log-book the following matters (that is to say,)

(1) Every conviction by a legal tribunal of a member of his crew, and the punishment inflicted:

(2) Every offence committed by a member of his crew for which it is intended to prosecute, or to enforce a forfeiture, or to exact a fine, together with such statement concerning the copy or reading over of that entry, and concerning the reply (if any) made to the charge, as is by this Act required:

(3) Every offence for which punishment is inflicted on board, and the punishment inflicted:

(4) A statement of the conduct, character, and qualifications of each of his crew, or a statement that he declines to give an opinion on those particulars:

(5) Every case of illness or injury happening to a member of the crew, with the nature thereof, and the medical treatment adopted (if any):

(6) Every marriage taking place on board with the names and ages of the parties:

(7) The name of every seaman or apprentice who ceases to be a member of the crew, otherwise than by death, with the place, time, manner, and cause thereof:

(8) The wages due to any seaman who enters Her Majesty's naval service during the voyage:

(9) The wages due to any seaman or apprentice who dies during the voyage, and the gross amount of all deductions to be made therefrom:

(10) The sale of the effects of any seaman or apprentice who dies during the voyage, including a statement of each article sold, and the sum received for it:

(11) Every collision with, any other ship, and the circumstances under which the same occurred: and

(12) Any other matter directed by this Act to be entered.

Offences in respect of official logs.

241.—(1) If an official log-book is not kept in the manner required by this Act, or if an entry directed by this Act to be made therein is not made at the time and in the manner directed by this Act, the master shall for each offence be liable to the specific fine in this Act mentioned in respect thereof, or where there is no such specific fine, to a fine not exceeding five pounds.

(2) If any person makes, or procures to be made, or assists in making, any entry in an official log-book in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge more than twenty-four hours after that arrival, he shall for each offence be liable to a fine not exceeding thirty pounds.

(3) If any person wilfully destroys or mutilates or renders illegible any entry in an official log-book, or wilfully makes or procures to be made or assists in making a false or fraudulent entry in or omission from an official log-book, he shall in respect of each offence be guilty of a misdemeanor.

Annotations

Editorial Notes:

E92 A fine of £5 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

E93 A fine of £30 translates into a Class C fine, not exceeding €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 6, table ref. no. 8, S.I. No. 662 of 2010.

Delivery of official logs to superintendent of mercantile marine office.

242.—(1) The master of every foreign-going ship shall, within forty-eight hours after the ship's arrival at her final port of destination in the United Kingdom or upon the discharge of the crew, whichever first happens, deliver the official log-book of the voyage to the superintendent before whom the crew is discharged.

(2) The master or owner of every home trade ship for which an official log is required to be kept shall, within twenty-one days of the thirtieth day of June and the thirty-first day of December in every year, transmit or deliver the official log-book for the preceding half year to some superintendent in the United Kingdom.

(3) If the master or owner of a ship fails without reasonable cause to comply with this section, he shall be subject to the same consequences and liabilities to which he

is subject for the non-delivery of the list of the crew required to be delivered under this Part of this Act.

Annotations

Editorial Notes:

E94 Previous affecting provision: application of section extended to apply to radiotelephone log-books (1.12.1983) by *Merchant Shipping (Radio Installations) Rules 1983* (S.I. No. 308 of 1983), rule 15(6), in effect as per rule 1(1); revoked (1.02.1992) by *Merchant Shipping (Radio Installations) Rules 1992* (S.I. No. 28 of 1992), rule 1(2), in effect as per rule 1(1).

E95 Previous affecting provision: application of section extended to apply to radiotelephone log-books (14.05.1967) by *Merchant Shipping (Radio) Rules 1967* (S.I. No. 103 of 1967), rule 27(7), in effect as per rule 1(2); revoked (1.12.1983) by *Merchant Shipping (Radio Installations) Rules 1983* (S.I. No. 308 of 1983), rule 1(3),in effect as per rule 1(1).

E96 Previous affecting provision: provision for section to be extended to apply to any radio log-book required to be kept under section made (19.11.1953) by *Merchant Shipping (Safety Convention) Act 1952* (29/1952), s. 15(5)(b), S.I. No. 338 of 1953; s. 15 substituted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 8(1), commenced on enactment, and does not refer to this Act.

Official logs to be sent home in case of transfer of ship, and in case of loss.

243.—(1) Where by reason of transfer of ownership or change of employment of a ship, the official log ceases to be required in respect of the ship or to be required at the same date, the master or owner of the ship shall, if the ship is then in the United Kingdom, within one month, and if she is elsewhere within six months, after the cessation, deliver or transmit to the superintendent at the port to which the ship belonged the official log-book (if any) duly made out to the time of the cessation.

(2) If a ship is lost or abandoned, the master or owner thereof shall, if practicable, and as soon as possible, deliver or transmit to the superintendent at the port to which the ship belonged the official log-book (if any) duly made out to the time of the loss or abandonment.

(3) If the master or owner of a ship fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding ten pounds.

Annotations

Editorial Notes:

E97 A fine of £10 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

Local Marine Boards.

Continuance and constitution of local marine board.

244.—(1) There shall be local marine boards for carrying into effect F118**[**such of the provisions of this Act as relate to their powers and duties**]** under the superintendence of the Board of Trade at those ports of the United Kingdom at which local marine boards are now established and at such other places as the Board of Trade appoint for the purpose.

(2) Every local marine board shall be constituted in manner specified in the Seventh Schedule to this Act, and the regulations in that schedule shall apply to the board and elections thereof.

(3) A local marine board may regulate the mode in which their meetings are to be held and their business is to be conducted, including the fixing of a quorum, not being less than three.

(4) A local marine board shall keep minutes of their proceedings in the manner (if any) prescribed by the Board of Trade.

(5) Any act or proceedings of a local marine board shall not be vitiated or prejudiced by reason of any irregularity in the election of any of the members, or of any error in the list of voters entitled to vote at the election, or of any irregularity in making or revising the list, or by reason of any person not duly qualified acting on the board, or of any vacancy in the board.

Annotations

Amendments:

F118 Substituted (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 74(2), commenced as per s. 86(2).

Control of Board of Trade over local marine boards.

245.—(1) Every local marine board shall make and send to the Board of Trade such reports and returns as the Board of Trade require; and all minutes, books, and documents of, or used or kept by, any local marine board, or by any superintendent, or by any examiner or other officer or servant under the control of any local marine board, shall be open to the inspection of the Board of Trade and their officers.

(2) If any local marine board, by reason of any election not being held or of the simultaneous resignation or continued non-attendance of all or the greater part of the members, or from any other cause, fail to meet or to discharge their duties, the Board of Trade may, in their discretion, either take into their own hands the performance of the duties of the local marine board until the next triennial appointment and election thereof, or direct that a new appointment and election of the local marine board shall take place immediately.

(3) If on complaint made to the Board of Trade it appears to them that at any port, any appointments or arrangements made by the local marine board under this Act are not such as to meet the wants of the port, or are in any respect unsatisfactory or improper, the Board of Trade may annul, alter, or rectify the same, as they think expedient, having regard to the intention of this Act and to the wants of the port.

Mercantile Marine Offices.

Establishment and control of mercantile marine offices.

246.—(1) A mercantile marine office, with the requisite buildings, property, superintendents, deputies, clerks, and servants shall be maintained at every port of the United Kingdom where there is a local marine board, and may be established and maintained at such other ports as the Board of Trade determine.

(2) In every port where there is a local marine board the board shall procure the said buildings and property, F119**[**...**]** and regulate the business at, and have the control of, the mercantile marine office, subject as follows:—

(*a*) The sanction of the Board of Trade shall be necessary, so far as regards F119**[**...**]** all F119**[**...**]** expenses.

(*b*) The Board of Trade shall have the immediate control of every such office, as far as regards the receipt and payment of money thereat, and every person appointed to be an officer in any such office shall, before entering upon his duties, give such security (if any) for the due performance thereof as the Board of Trade require.

(*c*)) F119**[**...**]**

(*d*) The Board of Trade may appoint any superintendent of or other person connected with any sailors home in the port of London to be a superintendent

with any necessary deputies clerks and servants, and may appoint an office in any such home to be a mercantile marine office, F119**[**...**]**.

(3) At any port at which the business of a mercantile marine office is conducted otherwise than under a local marine board, the Board of Trade may—

(*a*) at any time establish a mercantile marine office and for that purpose procure the requisite buildings and property, F119**[**...**]** or

(*b*) direct with the consent of the Commissioners of Customs, that the whole or any part of the business of a mercantile marine office shall be conducted at the custom house, and thereupon the custom house shall be a mercantile marine office for the purposes of that business, and any officer of customs there appointed in that behalf by the Board of Trade shall be a superintendent or deputy within the meaning of this Act.

Annotations

Amendments:

F119 Deleted (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 85, sch. 2, commenced as per s. 86(2).

Business of mercantile marine office.

247.—(1) It shall be the general business of superintendents of mercantile marine offices (in this Act referred to as superintendents)—

to afford facilities for engaging seamen by keeping registries of their names and characters:

to superintend and facilitate the engagement and discharge of seamen in manner in this Act provided:

to provide means for securing the presence on board at the proper times of the seamen who are so engaged:

to facilitate the making of apprenticeships to the sea service: and

to perform such other duties relating to seamen, apprentices, and merchant ships as are by or in pursuance of this Act, or any Act relating to merchant shipping, committed to them.

(2) Any act done by to or before a deputy duly appointed shall have the same effect as if done by to or before a superintendent.

Embezzlement by officers of local marine boards.

248.—(1) A person appointed to any office or service by or under a local marine board shall be deemed to be a clerk or servant within the meaning of section sixty-eight of the Larceny Act, 1861 (relating to embezzlement).

24 & 25 Vict. c. 96.

(2) If any person so appointed to an office or service—

(*a*) fraudulently applies or disposes of any chattel, money, or valuable security received by him (whilst employed in such office or service) for or on account of any local marine board, or for or on account of any other public board or department, for his own use, or any use or purpose other than that for which the same was paid, entrusted to, or received by him, or

(*b*) fraudulently withholds, retains, or keeps back the same, or any part thereof, contrary to any lawful directions or instructions which he is required to obey in relation to his office or service aforesaid,

that person shall be guilty of embezzlement within the meaning of the said section sixty-eight of the Larceny Act, 1861.

(3) In any indictment under this section, it shall be sufficient to charge any such chattel, money, or valuable security as the property either of the local marine board by whom the person was appointed, or of the board or department for or on account of whom the same was received.

(4) Section seventy-one of the Larceny Act, 1861 (relating to the manner of charging embezzlement), shall apply as if an offence under this section were embezzlement under that Act.

Power to dispense with transaction of certain matters at mercantile marine offices.

249.—The Board of Trade may dispense with the transaction in a mercantile marine office, or before a superintendent of any matters required by this Act to be so transacted, and thereupon those matters, if otherwise duly transacted, shall be as valid as if they were transacted in such an office or before a superintendent.

Prohibition on taking fees at mercantile marine office.

250.—If a superintendent, deputy, clerk, or servant, in a mercantile marine office, demands or receives save as provided by any Act, or authorised by the Board of Trade, any remuneration whatever, either directly or indirectly, for hiring or supplying any seaman for a ship or transacting any business which it is his duty to transact, he shall for every such offence be liable to a fine not exceeding twenty pounds, and also to dismissal from his office by the Board of Trade.

Annotations

Editorial Notes:

E98 A fine of £20 translates into a Class C fine, not exceeding €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 6, table ref. no. 8, S.I. No. 662 of 2010.

Registration of and Returns respecting Seamen.

Establishment of register office.

251.—F120**[**...**]**

Annotations

Amendments:

F120 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Register of seamen.

252.—F121**[**...**]**

Annotations

Amendments:

F121 Repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch.1, commenced on enactment.

Lists of the crew.

253.—(1) The master—

(*a*) of a foreign-going ship whose crew is discharged in the United Kingdom, in whatever part of Her Majesty's dominions the ship is registered; and

(*b*) of a home trade ship;

shall make out and sign a list (in this Act referred to as the list of the crew), in a form approved by the Board of Trade, and containing the following particulars:—

(i) The number and date of the ship's register, and her registered tonnage:

(ii) The length and general nature of the voyage or employment:

(iii) The names, ages, and places of birth of all the crew including the master and apprentices; their ratings on board, their last ships or other employments, and the dates and places of their joining the ship:

(iv) The names of any of the crew who have ceased to belong to the ship, with the times, places, causes, and circumstances thereof:

(v) The names of any members of the crew who have been maimed or hurt, with the time, place, cause, and circumstances thereof:

(vi) The wages due at the time of death to any of the crew who have died:

(vii) The property belonging to any of the crew who have died, with a statement of the manner in which it has been dealt with, and the money for which any part of it has been sold:

(viii) Any marriage which takes place on board with the date thereof, and the names and ages of the parties.

(2) The list of the crew—

(*a*) in the case of a foreign-going ship, shall be delivered by the master within forty-eight hours after the arrival of the ship at her final port of destination in the United Kingdom, or upon the discharge of the crew, whichever first happens, to the superintendent before whom the crew is discharged; and

(*b*) in the case of a home trade ship, shall be delivered or transmitted by the master or owner to some superintendent in the United Kingdom on or within twenty-one days after the thirtieth day of June and the thirty-first day of December in each year;

and the superintendent shall give to such master or owner a certificate of such delivery or transmission, and any such ship may be detained until the certificate is produced, and an officer of customs shall not clear inwards any foreign-going ship until the certificate is produced.

(3) If the master in the case of a foreign-going ship, or the master or owner in the case of a home trade ship, fails without reasonable cause to deliver or transmit the list of the crew as required by this section, he shall for each offence be liable to a fine not exceeding five pounds.

Annotations

Editorial Notes:

E99 A fine of £5 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

Return of births and deaths in British ships.

254.—F122**[**...**]**

Annotations

Amendments:

F122 Repealed (5.12.2005) *Civil Registration Act 2004* (3/2004) s. 4 and sch. 2, S.I. No. 764 of 2005.

Return in case of transfer or loss of ship.

255.—(1) Where by reason of the transfer of ownership or change of employment of a ship the list of the crew ceases to be required in respect of the ship, or to be required at the same date, the master or owner of the ship shall, if the ship is then in the United Kingdom, within one month, and, if she is elsewhere, within six months, after that cessation deliver or transmit to the superintendent at the port to which the ship belonged the list of the crew, duly made up to the time of the cessation.

(2) If a ship is lost or abandoned, the master or owner thereof shall, if practicable, and as soon as possible, deliver or transmit to the superintendent at the port to which the ship belonged the list of the crew, duly made out to the time of the loss or abandonment.

(3) If the master or owner of a ship fails, without reasonable cause, to comply with this section, he shall for each offence be liable to a fine not exceeding ten pounds.

Annotations

Editorial Notes:

E100 A fine of £10 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

Transmission of documents to registrar by superintendents and other officers.

1 & 2 Vict. c. 94.

40 & 41 Vict. c. 55.

256.—(1) All superintendents and all officers of customs shall take charge of all documents which are delivered or transmitted to or retained by them in pursuance of this Act, and shall keep them for such time (if any) as may be necessary for the purpose of settling any business arising at the place where the documents come into their hands, or for any other proper purpose, and shall, if required, produce them for any of those purposes, and shall then transmit them to the Registrar-General of Shipping and Seamen, and he shall record and preserve them, and they shall be admissible in evidence in manner provided by this Act, and they shall, on payment of a moderate fee fixed by the Board of Trade, or without payment if the Board so direct, be open to the inspection of any person.

(2) The documents aforesaid shall be public records and documents within the meaning of the Public Record Office Acts, 1838 and 1877, and these Acts shall, where applicable, apply to those documents in all respects, as if specifically referred to therein.

Annotations

Editorial Notes:

E101 Previous affecting provision: application of section extended to apply to radiotelephone log-books (1.12.1983) by *Merchant Shipping (Radio Installations) Rules 1983* (S.I. No. 308 of 1983), rule 15(6), in effect as per rule 1(1); revoked (1.02.1992) by *Merchant Shipping (Radio Installations) Rules 1992* (S.I. No. 28 of 1992), rule 1(2), in effect as per rule 1(1).

E102 Previous affecting provision: application of section extended to apply to radiotelephone log-books (14.05.1967) by *Merchant Shipping (Radio) Rules 1967* (S.I. No. 103 of 1967), rule 27(7), in effect as per rule 1(2); revoked (1.12.1983) by *Merchant Shipping (Radio Installations) Rules 1983* (S.I. No. 308 of 1983), rule 1(3),in effect as per rule 1(1).

E103 Previous affecting provision: provision for section to be extended to apply to any radio log-book required to be kept under section made (19.11.1953) by *Merchant Shipping (Safety Convention) Act 1952* (29/1952), s. 15(5)(b), S.I. No. 338 of 1953; s. 15 substituted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 8(1), commenced on enactment, and does not refer to this Act.

Deposit of documents at foreign ports and in colonies.

257.—(1) Whenever a ship, in whatever part of Her Majesty's dominions it is registered (except a ship whose business for the time being is to carry passengers, whether cabin or steerage passengers), arrives at a port in a British possession or at a port elsewhere at which there is a British consular officer, and remains thereat for forty-eight hours, the master shall, within forty-eight hours of the ship's arrival, deliver to the chief officer of customs or to the consular officer (as the case may be), the agreement with the crew, and also all indentures and assignments of apprenticeships, or, if the ship is registered in a British possession, such of those documents as the ship is provided with.

(2) The officer shall keep the documents during the ship's stay in the port, and in cases where any endorsements upon the agreement are required by this Act shall make the same, and shall return the documents to the master within a reasonable time before his departure, with a certificate endorsed on the agreement, stating the time when the documents were respectively delivered and returned.

(3) If it appears that the required forms have been neglected, or that the existing laws have been transgressed, the officer shall make an endorsement to that effect on the agreement, and forthwith transmit a copy of the endorsement, with the fullest information he can collect regarding the neglect or transgression, to the Registrar-General of Shipping and Seamen:

(4) If the master of a ship fails without reasonable cause to deliver any document in pursuance of this section, he shall for each offence be liable to a fine not exceeding twenty pounds; and in any prosecution for that fine it shall lie upon the master either to produce the said certificate, or to prove that he duly obtained it, or that it was impracticable for him to obtain it.

Annotations

Editorial Notes:

E104 A fine of £20 translates into a Class C fine, not exceeding €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 6, table ref. no. 8, S.I. No. 662 of 2010.

Documents to be handed over to successor on change of master.

258.—If during the progress of a voyage the master is removed, or superseded, or for any other reason quits the ship, and is succeeded in the command by some other person, he shall deliver to his successor the various documents relating to the navigation of the ship and to the crew thereof which are in his custody, and if he fails without reasonable cause so to do, he shall be liable to a fine not exceeding one hundred pounds; and his successor shall immediately on assuming the command of the ship enter in the official log-book a list of the documents so delivered to him.

Annotations

Editorial Notes:

E105 A fine of £100 translates into a Class A fine, not exceeding €5,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 4, table ref. no. 8, S.I. No. 662 of 2010.

E106 Previous affecting provision: application of section extended (19.11.1953) by *Merchant Shipping (Safety Convention) Act 1952* (29/1952), s. 32(5), S.I. No. 338 of 1953; repealed (4.10.1968) by *Merchant Shipping (Load Lines) Act 1968* (17/1968), s. 31(1) and sch., S.I. No. 206 of 1968.

Sites for Sailors Homes.

Corporations, &c. may grant sites for sailors homes.

259.—The corporation of a municipal borough, being a port in the United Kingdom, and any body corporate, association, or trustees in any such port, existing or constituted for any public purposes relating to the government or benefit of persons engaged in the British merchant service, or to the management of docks and harbours, or for any other public purposes connected with shipping or navigation, may, with the consent of the Local Government Board, appropriate any land vested in them or in the trustees for them as a site for a sailors home, and may for that purpose either retain and apply the same accordingly, or convey the same to trustees, with such powers for appointing new trustees and continuing the trust as they think fit.

Application of Part II.

Application of Part II. to ships registered in the United Kingdom.

260.—This Part of this Act shall, unless the context or subject-matter requires a different application, apply to all sea-going ships registered in the United Kingdom, and to the owners, masters, and crews of such ships subject as herein-after provided with respect to—

(*a*) ships belonging to any of the three general lighthouse authorities;

(*b*) pleasure yachts; and

(*c*) fishing boats.

Annotations

Modifications (not altering text):

C41 Application of Part II extended for purposes of ss. 260-266 (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 49(3), commenced as per s. 86(2). "This Part" referred to below is Part IV (ss. 28-49), Provisions as to Relief and Repatriation of Distressed Seamen, and Seamen left behind Abroad. Note effects of *Merchant Shipping Act 1906 Adaptation Order 1942* (S.R.& O. No. 484 of 1942).

Definitions of "proper authority" and "seamen"

49.- ...

(3) The provisions of this Part of this Act shall, for the purpose of sections two hundred and sixty to two hundred and sixty-six of the Principal Act (which relate to the application of Part II of that Act), be construed as if they were contained in Part II of that Act.

Application of Part II. to ships registered elsewhere than in the United Kingdom.

261.—This Part of this Act shall, unless the context or subject-matter requires a different application, apply to all sea-going British ships registered out of the United Kingdom, and to the owners, masters, and crews thereof as follows; (that is to say,)

(*a*) The provisions relating to the shipping and discharge of seamen in the United Kingdom and to volunteering into the Navy shall apply in every case;

(*b*) The provisions relating to lists of the crew and to the property of deceased seamen and apprentices shall apply where the crew are discharged, or the final port of destination of the ship is, in the United Kingdom; and

(*c*) All the provisions shall apply where the ships are employed in trading or going between any port in the United Kingdom, and any port not situate in the British possession or country in which the ship is registered; and

(*d*) The provisions relating to the rights of seamen in respect of wages, to the shipping and discharge of seamen in ports abroad, to leaving seamen abroad and to the relief of seamen in distress in ports abroad, to the provisions, health, and accommodation of seamen, to the power of seamen to make complaints, to the protection of seamen from imposition, and to discipline, shall apply in every case except where the ship is within the jurisdiction of the government of the British possession in which the ship is registered.

Annotations

Modifications (not altering text):

C42 Application of Part extended for purposes of ss. 260-266 (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 49(3), commenced as per s. 86(2). "This Part" referred to below is Part IV (ss. 28-49), Provisions as to Relief and Repatriation of Distressed Seamen, and Seamen left behind Abroad. Note effect of *Merchant Shipping Act, 1906, Adaptation Order 1942* (S.R.& O. No. 484 of 1942).

Definitions of "proper authority" and "seamen"

49. ...

(3) The provisions of this Part of this Act shall, for the purpose of sections two hundred and sixty to two hundred and sixty-six of the Principal Act (which relate to the application of Part II of that Act), be construed as if they were contained in Part II of that Act.

Partial application of Part II. to ships of lighthouse authorities and pleasure yachts.

262.—The following provisions of this Part of this Act shall not apply to ships belonging to the three general lighthouse authorities or to pleasure yachts, or to the owners, masters, and crews thereof, namely, the provisions relating to—

(*a*) the requirement of officers to hold certificates of competency, and the production of those certificates;

(*b*) the exemption from stamp duty and record of indentures of apprenticeship, and matters to be done for the purpose of such record;

(*c*) the entry in the agreement with the crew of the particulars respecting apprentices, and matters to be done for the purpose of such entry;

(*d*) the engagement or supply of seamen or apprentices by or through unlicensed persons;

(*e*) agreements with the crew (except the provisions relating to the engagement of a seaman abroad);

(*f*) the compulsory discharge and payment of seamen's wages before a superintendent and the compulsory delivery of an account of wages;

(*g*) the accommodation for seamen;

(*h*) the deduction and payment of fines imposed under stipulations in the agreement;

(*i*) the delivery of documents at ports abroad to consular or customs officers; or

(*j*) official log books.

Annotations

Modifications (not altering text):

C43 Application of Part extended for purposes of ss. 260-266 (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 49(3), commenced as per s. 86(2). "This Part" referred to below is Part IV (ss. 28-49), Provisions as to Relief and Repatriation of Distressed Seamen, and Seamen left behind Abroad. Note effect of *Merchant Shipping Act, 1906, Adaptation Order 1942* (S.R.& O. No. 484 of 1942).

Definitions of "proper authority" and "seamen"

49. ...

(3) The provisions of this Part of this Act shall, for the purpose of sections two hundred and sixty to two hundred and sixty-six of the Principal Act (which relate to the application of Part II of that Act), be construed as if they were contained in Part II of that Act.

Partial application of Part II. to fishing boats.

263.—(1) This Part of this Act (except the provisions thereof relating to the transmission and delivery of lists of crews, volunteering into the Navy, and the property of deceased seamen) shall not, subject as herein-after provided F123**[**...**]** by the Fourth Part of this Act, apply to fishing boats exclusively employed in fishing on the coasts of the United Kingdom, or to the owners, skippers, and crews thereof.

(2) The provisions of this Part of this Act relating to—

(*a*) apprenticeships to the sea service;

(*b*) compulsory agreements with the crew;

(*c*) the alteration, falsification, or posting up of copies of agreements with the crew;

(*d*) compensation to seamen improperly discharged;

(*e*) the delivery of an account of wages;

(*f*) the granting of certificates of discharge and the return of certificates of competency by the master;

(*g*) the decision of questions by the superintendent when referred to him;

(*h*) the production of the ship's papers by the master to the superintendent in proceedings under this Act before him; or

(*i*) the sections constituting the offences of desertion, absence without leave, and offences against discipline;

shall not, F123**[**...**]**, apply to any fishing boats whether or not exclusively employed in fishing on the coasts of the United Kingdom, or to the owners, skippers, and crews thereof.

(3) F123**[**...**]**

Annotations

Amendments:

F123 Deleted (1.10.1920) by *Merchant Shipping (Scottish Fishing Boats) Act 1920* (10 & 11 Geo. 5) c. 39, s. 1(3) and sch., commenced as per s. 2(2).

Modifications (not altering text):

C44 Application of Part extended for purposes of ss. 260-266 (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 49(3), commenced as per s. 86(2). "This Part" referred to below is Part IV (ss. 28-49), Provisions as to Relief and Repatriation of Distressed Seamen, and Seamen left behind Abroad. Note effect of *Merchant Shipping Act, 1906, Adaptation Order 1942* (S.R.& O. No. 484 of 1942).

Definitions of "proper authority" and "seamen"

49. ...

(3) The provisions of this Part of this Act shall, for the purpose of sections two hundred and sixty to two hundred and sixty-six of the Principal Act (which relate to the application of Part II of that Act), be construed as if they were contained in Part II of that Act.

Application of Part II. to colony by colonial legislatures.

264.— If the legislature of a British possession, by any law, apply or adapt to any British ships registered at, trading with, or being at, any port in that possession, and to the owners, masters, and crews of those ships, any provisions of this Part of this Act which do not otherwise so apply, such law shall have effect throughout Her Majesty dominions, and in all places where Her Majesty has jurisdiction in the same manner as if it were enacted in this Act.

Annotations

Modifications (not altering text):

C45 Application of Part extended for purposes of ss. 260-266 (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 49(3), commenced as per s. 86(2). "This Part" referred to below is Part IV (ss. 28-49), Provisions as to Relief and Repatriation of Distressed Seamen, and Seamen left behind Abroad. Note effect of *Merchant Shipping Act, 1906, Adaptation Order 1942* (S.R.& O. No. 484 of 1942).

Definitions of "proper authority" and "seamen"

49. ...

(3) The provisions of this Part of this Act shall, for the purpose of sections two hundred and sixty to two hundred and sixty-six of the Principal Act (which relate to the application of Part II of that Act), be construed as if they were contained in Part II of that Act.

Conflict of laws.

265.—Where in any matter relating to a ship or to a person belonging to a ship there appears to be a conflict of laws, then, if there is in this Part of this Act any provision on the subject which is hereby expressly made to extend to that ship, the case shall be governed by that provision; but if there is no such provision, the case shall be governed by the law of the port at which the ship is registered.

Annotations

Modifications (not altering text):

C46 Application of Part extended for purposes of ss. 260-266 (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 49(3), commenced as per s. 86(2). "This Part" referred to below is Part IV (ss. 28-49), Provisions as to Relief and Repatriation of Distressed Seamen, and Seamen left behind Abroad. Note effect of *Merchant Shipping Act, 1906, Adaptation Order 1942* (S.R.& O. No. 484 of 1942).

Definitions of "proper authority" and "seamen"

49. ...

(3) The provisions of this Part of this Act shall, for the purpose of sections two hundred and sixty to two hundred and sixty-six of the Principal Act (which relate to the application of Part II of that Act), be construed as if they were contained in Part II of that Act.

Unregistered ship deemed to be registered in United Kingdom for certain purposes.

266.—This Part of this Act shall apply to an unregistered British ship which ought to have been registered under this Act, as if such ship had been registered in the United Kingdom.

Annotations

Modifications (not altering text):

C47 Application of Part extended for purposes of ss. 260-266 (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 49(3), commenced as per s. 86(2). "This Part" referred to below is Part IV (ss. 28-49), Provisions as to Relief and Repatriation of Distressed Seamen, and Seamen left behind Abroad. Note effect of *Merchant Shipping Act, 1906, Adaptation Order 1942* (S.R.& O. No. 484 of 1942).

Definitions of "proper authority" and "seamen"

49. ...

(3) The provisions of this Part of this Act shall, for the purpose of sections two hundred and sixty to two hundred and sixty-six of the Principal Act (which relate to the application of Part II of that Act), be construed as if they were contained in Part II of that Act.

PART III.

PASSENGER AND EMIGRANT SHIPS.

1.—Definitions.

Definition of Passenger Steamer and Passenger.

Annotations

Modifications (not altering text):

C48 Definition of passenger amended (19.11.1953) by *Merchant Shipping (Safety Convention) Act 1952* (29/1952), s. 43(1), S.I. No. 338 of 1953.

Definition of "passenger" and "passenger steamer."

43.—(1) In Part III of the Principal Act and in this Act, the expression "passenger" means any person carried in a ship, except—

(a) a person employed or engaged in any capacity on board the ship on the business of the ship,

(b) a person on board the ship either in pursuance of the obligation laid upon the master to carry shipwrecked, distressed or other persons or by reason of any circumstance that neither the master nor the owner nor the charterer (if any) could have prevented or forestalled, and

(c) a child under one year of age.

...

C49 Application of Part extended (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, ss. 15, 23, commenced as per s. 86(2).

Passengers landed or embarked by means of tenders.

15.—Where a passenger steamer takes on board passengers from a tender, or lands passengers by means of a tender, she shall be deemed to be taking the passengers on board from, or landing the passengers at, the port from or to which the tender comes or goes, and passengers conveyed

in a tender to or from a ship from or to a place in the United Kingdom shall for the purposes of Part III. of the principal Act, and for the purposes of any returns to be made under the Merchant Shipping Acts, be deemed to be passengers carried from or to a place in the United Kingdom.

...

Sale of steerage passages.

23. The provisions of Part III. of the principal Act, relating to passage brokers, shall apply to any person who at any place in the British Islands sells or lets, or agrees to sell or let, or is anywise concerned in the sale or letting of, steerage passages from any place in Europe not within the Mediterranean Sea.

Definition of "passenger" and "passenger steamer."

267.— For the purposes of this Part of this Act—

F124**[**...**]**

The expression " passenger steamer " shall mean every British steamship carrying passengers to, from, or between any places in the United Kingdom except steam ferry boats working in chains (commonly called steam bridges) F125**[**...**]**.

Annotations

Amendments:

F124 Repealed (19.11.1953) by *Merchant Shipping (Safety Convention) Act 1952* (29/1952), s. 8 and sch. 1, S.I. No. 338 of 1953.

F125 Deleted (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 85 and sch. 2, commenced as per s. 86(2).

Modifications (not altering text):

C50 References to passenger steamer construed (14.05.1967) by *Merchant Shipping Act 1966* (20/1966), s. 19(2), S.I. No. 54 of 1967.

Amendment of section 271 of Merchant Shipping Act, 1894.

19.— ...

(2) References in the Merchant Shipping Acts to a passenger steamer shall be construed as including any ship while on or about to proceed on a voyage or excursion in any case where a passenger steamer's certificate is required to be in force in respect of her.

C51 Definition of "passenger steamer" construed (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 13, commenced as per s. 86(2).

Inclusion of foreign steam-ships as passenger steamers.

13. the definition of "passenger steamer" in section two hundred and sixty-seven of the principal Act shall be amended so as to include every foreign steamship (whether originally proceeding from a port in the United Kingdom or from a port out of the United Kingdom) which carries passengers to or from any place, or between any places, in the United Kingdom.

Editorial Notes:

E107 Previous affecting provision: section amended (1.01.1934) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 32, S.I. 174 of 1933; definition of "passenger" deleted as per F-note above.

Definition of Emigrant Ship, &c.

"Emigrant ship," &c. to which Part applies.

268.—For the purposes of this Part of this Act, unless the context otherwise requires—

(1) The expression " emigrant ship " shall mean every sea-going ship, whether British or foreign, and whether or not conveying mails, carrying, upon any voyage to which the provisions of this Part of this Act respecting emigrant ships apply, more than fifty steerage passengers or a greater number of steerage passengers than in the proportion—

(*a*) if the ship is a sailing ship, of one statute adult to thirty-three tons of the ship's registered tonnage; and

(*b*) if the ship is a steam ship of one statute adult to every twenty tons of the ship's registered tonnage; and

includes a ship which, having proceeded from a port outside the British Islands, takes on board at any port in the British Islands such number of steerage passengers whether British subjects or aliens resident in the British Islands, as would, either with or without the steerage passengers which she already has on board, constitute her an emigrant ship;

(2) The expression " statute adult " shall mean a person of the age of twelve years or upwards, and two persons between the ages of one and twelve years shall be treated as one statute adult;

F126**[**(3) The expression 'steerage passenger' means all passengers except cabin passengers, and persons shall not be deemed cabin passengers unless—

(*a*) the space allotted to their exclusive use is in the proportion of at least thirty-six superficial feet to each statute adult; and

(*b*) the fare contracted to be paid by them amounts to at least the sum of twenty-five pounds for the entire voyage or is in the proportion of at least sixty-five shillings for every thousand miles of the length of the voyage; and

(*c*) they have been furnished with a duly signed contract ticket in the form prescribed by the Board of Trade for cabin passengers.**]**

(4) The expression " steerage passage " shall include passages of all passengers except cabin passengers;

(5) The expression " upper passenger deck " shall mean and include the deck immediately beneath the upper deck, or the poop or round house and deck house when the number of passengers, whether cabin or steerage passengers, carried in the poop, round house, or deck house, exceeds one third of the total number of steerage passengers which the ship can lawfully carry on the deck next below;

(6) The expression " lower passenger deck " shall mean and include the deck next beneath the upper passenger deck not being an orlop deck.

Annotations

Amendments:

F126 Subs. (3) substituted (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 14, commenced as per s. 86(2).

Scale for determining length of voyages.

269.—For the purpose of this Part of this Act the length of the voyage of an emigrant ship from the British Islands to any port elsewhere shall be determined by such of the scales fixed by the Board of Trade as is applicable thereto, and the Board of Trade may fix the scales by notice published in the London Gazette, and may fix such different lengths of voyage as they think reasonable for different descriptions of ships.

Annotations

Modifications (not altering text):

C52 Reference to the London Gazette construed (23.12.1927) by *Merchant Shipping Act, 1894, Adaptation (No. 2) Order 1927* (S.R. & O. No. 106 of 1927), art. 3.

3. The references to the London Gazette contained in the Merchant Shipping Act, 1894 (other than the reference thereto contained in subsection (2) of section 738 and the reference thereto contained in section 740 of the said Act) shall be construed as references to the Iris Oifigiúil and the said Act shall have effect accordingly.

Definition of colonial voyage.

270.—For the purposes of this Part of this Act a colonial voyage means a voyage from any port in a British possession, other than British India and Hong Kong, to any port whatever, where the distance between such ports exceeds four hundred miles, or the duration of the voyage, as determined under this Part of this Act, exceeds three days.

2.—Passenger Steamers.

Survey of Passenger Steamers.

Annual survey of passenger steamers.

271.—F127**[**(1) Every passenger steamer which carries more than twelve passengers shall be surveyed once at least in each year in the manner provided in this Part of this Act; and no ship (other than a steam ferry boat working in chains) shall proceed to sea or on any voyage or excursion with more than twelve passengers on board, unless there is in force in respect of the ship a certificate as to survey under this Part of this Act, applicable to the voyage or excursion on which the ship is about to proceed, or that voyage or excursion is one in respect of which the Minister for Transport and Power has exempted the ship from the requirements of this subsection.**]**

(*a*) be surveyed once at least in each year in the manner provided in this Part of this Act; and

(*b*) shall not ply or proceed to sea or on any voyage or excursion with any passengers on board, unless the owner or master has the certificate from the Board of Trade as to survey under this Part of this Act, the same being in force, and applicable to the voyage or excursion on which the steamer is about to proceed.

(2) A passenger steamer attempting to ply or go to sea may be detained until such certificate as aforesaid is produced to the proper officer of customs F128**[** unless the voyage or excursion on which she is about to proceed is one in respect of which she has been exempted as aforesaid**]**.

(3) Provided that, while a steamer is an emigrant ship and the provisions of this Part of this Act as to the survey of the hull machinery and equipments of emigrant ships have been complied with, she shall not require a survey or certificate under this section.

Annotations

Amendments:

F127 Substituted (14.05.1967) by *Merchant Shipping Act 1966* (20/1966), s. 19(1), S.I. No. 54 of 1967.

F128 Inserted (14.05.1967) by *Merchant Shipping Act 1966* (20/1966), s. 19(1), S.I. No. 54 of 1967.

F129 Repealed by *Merchant Shipping Act 1992* (2/1992), s. 4 and sch., not commenced as of date of revision.

C53 Prospective affecting provision: section repealed by *Merchant Shipping Act 1992* (2/1992), s. 4 and sch., not commenced as of date of revision.

271.—F129**[**...**]**

C54 Application of section restricted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 51(3)(a), commenced on enactment.

Application (Chapter 5).

51.— ...

(3) The following provisions of the Merchant Shipping Acts do not apply to a vessel's tender, namely—

(a) section 271 of the Principal Act,

...

Modifications (not altering text):

C55 Reference to survey in subs. (1)(b) construed by *Merchant Shipping (Safety Convention) Act 1952* (29/1952), s. 10(6), as substituted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 7, commenced on enactment.

Construction rules

[10.— ...

(6) Any survey carried out on a steamer to which this section applies in accordance with rules made under subsection (1)(b) is a survey for the purpose of sections 271(1) and 272 of the Principal Act.

…**]**

C56 Subs. (2) construed (15.01.1983) by *Merchant Shipping Act 1981* (33/1981), s. 7, S.I. No. 13 of 1983; repealed by *Merchant Shipping Act 1992* (2/1992), s. 4(1) and sch., not commenced as of date of revision.

Amendment of section 271 (2) of Principal Act.

7.—Section 271 (2) of the Principal Act shall be construed and have effect as if the reference therein to the proper officer of customs included a reference to a member of the Garda Síochána.

C57 Application of section restricted (19.11.1953) by *Merchant Shipping (Safety Convention) Act 1952* (29/1952), s. 29, S.I. No. 338 of 1953.

Modified survey of passenger steamers holding Convention certificates.

29.—(1) Where an accepted Safety Convention certificate is produced in respect of a Safety Convention passenger steamer not registered in the State—

(a) the steamer shall not be required to be surveyed under the Merchant Shipping Acts by a surveyor of ships except for the purpose of determining the number of passengers that she is fit to carry;

(b) on receipt of any declaration of survey for the purpose aforesaid, the Minister shall issue a certificate under section 274 of the Principal Act containing only a statement of the particulars set out in paragraph (b) of that section (which relates to the said number of passengers), and a certificate so issued shall have effect as a passenger steamer's certificate.

(2) Where there is produced in respect of any such passenger steamer as aforesaid an accepted Safety Convention certificate, and also a certificate issued by or under the authority of the government of the country in which the steamer is registered showing the number of passengers that the steamer is fit to carry, and the Minister is satisfied that that number has been determined substantially in the same manner as in the case of a passenger steamer registered in the State, he may if he thinks fit dispense with any survey of the steamer for the purpose of determining the number of passengers that she is fit to carry and direct that the last-mentioned certificate shall have effect as a passenger steamer's certificate.

Mode of survey and declaration of survey.

272.—(1) The owner of every passenger steamer shall cause the same to be surveyed by a shipwright surveyor of ships and an engineer surveyor of ships F130**[**and, in the case of a sea-going passenger steamer required to be provided with a F130**[**radiocommunications installation**]**, by a radio surveyor**]**, the shipwright surveyor being, in the case of an iron steamer, a person properly qualified in the opinion of the Board of Trade to survey an iron steamer.

(2) The surveyors, if satisfied on the survey that they can with propriety do so, shall deliver to the owner declarations of survey in a form approved by the Board of Trade.

(3) F132**[**...**]**—

(*a*) F132**[**...**]**

(*b*) F132**[**...**]**

(*c*) F132**[**...**]**

(*d*) F133**[**...**]**

(*e*) F132**[**...**]**

(*f*) F132**[**...**]**

(4) F134**[**...**]**

(*a*) F134**[**...**]**

(*b*) F134**[**...**]**

(*c*) F134**[**...**]**

(*d*) F134**[**...**]**

(*e*) F133**[**...**]**

(*f*) F134**[**...**]**

Annotations

Amendments:

F130 Inserted (19.11.1953) by *Merchant Shipping (Safety Convention) Act 1952* (29/1952), ss. 17(1), 47(4), S.I. No. 338 of 1953.

F131 Substituted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 8(2)(b), commenced on enactment.

F132 Repealed (19.11.1953) by *Merchant Shipping (Safety Convention) Act 1952* (29/1952), ss. 8, 27(1) and sch. 1, S.I. No. 338 of 1953.

F133 Repealed (1.01.1934) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 36(2) and sch. 2 part 1, S.I. No. 174 of 1933.

F134 Repealed (19.11.1953) by *Merchant Shipping (Safety Convention) Act 1952* (29/1952), s. 8, s. 27(1) and sch. 1, S.I. No. 338 of 1953.

F135 Repealed by *Merchant Shipping Act 1992* (2/1992), s. 4 and sch., not commenced as of date of revision.

Modifications (not altering text):

C58 Prospective affecting provision: section repealed by *Merchant Shipping Act 1992* (2/1992), s. 4 and sch., not commenced as of date of revision.

272. — F135**[**...**]**

C59 Reference to survey construed by *Merchant Shipping (Safety Convention) Act 1952* (29/1952), s. 10(6), as substituted (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 7, commenced on enactment.

Construction rules

[10.— ...

(6) Any survey carried out on a steamer to which this section applies in accordance with rules made under subsection (1)(b) is a survey for the purpose of sections 271(1) and 272 of the Principal Act.

…**]**

C60 Application of subs. (2) extended (19.11.1953) by *Merchant Shipping (Safety Convention) Act 1952* (29/1952), s. 27(2), S.I. No. 338 of 1953.

Miscellaneous provisions as to surveys and certificates.

27.— ...

(2) Subsection (2) of section 272 of the Principal Act (which requires a surveyor to deliver declarations of survey to the owner of a ship), section 273 of that Act (which requires the owner to deliver the declaration to the Minister) and section 275 of that Act (which relates to appeals to the court of survey) shall apply to surveys for the purpose of the issue of any certificate in respect of a ship under this Act as they apply to surveys for the purpose of the issue of passenger steamers' certificates.

...

Editorial Notes:

E108 Previous affecting provisions: alternate particulars to those in subss. (3)(d), (4)(e) specified (1.01.1934) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 2(1), (2), S.I. No. 174 of 1933; subsections repealed as per F-notes above.

E109 Previous affecting provision: subs. (4)(c) amended (1.01.1934) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 5(4), S.I. No. 174 of 1933; subsection repealed as per F-note above.

E110 Previous affecting provision: application of section extended by *Merchant Shipping (Convention) Act 1914* (4 & 5 Geo. 5) c. 50, s. 11(2), not commenced as per s. 29(5) prior to Independence because of repeated Orders in Council postponing commencement and not commenced subsequently; repealed (3.11.1933) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 67(2) and sch. 2 part III, commenced on enactment.

E111 Previous affecting provision: subs. (3)(b) to be read with additional wording as provided (1.07.1915) by *Merchant Shipping (Convention) Act 1914* (4 & 5 Geo. 5) c. 50, s. 7(4) commenced as per s. 29(5) subject to second paragraph; repealed (3.11.1933) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 67(2) and sch. 2 part III, commenced on enactment.

Transmission of declaration.

273.—(1) The owner of a steamer surveyed shall within fourteen days after the receipt by him of a declaration of survey transmit it to the Board of Trade.

(2) If an owner fails without reasonable cause so to transmit a declaration of survey, he shall forfeit a sum not exceeding ten shillings for every day during which the transmission is delayed, and any sum so forfeited shall be payable on the granting of a certificate in addition to the fee, and shall be applied in the same manner as the fee.

Annotations

Amendments:

F136 Repealed by *Merchant Shipping Act 1992* (2/1992), s. 4 and sch., not commenced as of date of revision.

Modifications (not altering text):

C61 Prospective affecting provision: section repealed by *Merchant Shipping Act 1992* (2/1992), s. 4 and sch., not commenced as of date of revision.

273.—F131**[**...**]**

C62 Application of section extended (19.11.1953) by *Merchant Shipping (Safety Convention) Act 1952* (29/1952), s. 27(2), S.I. No. 338 of 1953.

Miscellaneous provisions as to surveys and certificates.

27.— ...

(2) Subsection (2) of section 272 of the Principal Act (which requires a surveyor to deliver declarations of survey to the owner of a ship), section 273 of that Act (which requires the owner to deliver the declaration to the Minister) and section 275 of that Act (which relates to appeals to the court of survey) shall apply to surveys for the purpose of the issue of any certificate in respect of a ship under this Act as they apply to surveys for the purpose of the issue of passenger steamers' certificates.

...

Issue of passenger steamer's certificate.

274.—On the receipt of the declarations of survey, the Board of Trade shall, if satisfied that this Part of this Act has been complied with, issue in duplicate a passenger steamer's certificate, that is to say, a certificate stating such compliance and stating, according to the declarations—

(*a*) the limits (if any) beyond which the steamer is not fit to ply; and

(*b*) the number of passengers which the steamer is fit to carry, distinguishing, if necessary, the number to be carried in each part of the steamer, and any conditions and variations to which the number is subject.

Annotations

Amendments:

F137 Repealed by *Merchant Shipping Act 1992* (2/1992), s. 4 and sch., not commenced as of date of revision.

Modifications (not altering text):

C63 Prospective affecting provision: section repealed by *Merchant Shipping Act 1992* (2/1992), s. 4 and sch., not commenced as of date of revision.

274.—F131**[**...**]**

C64 Application of section restricted (19.11.1953) by *Merchant Shipping (Safety Convention) Act 1952* (29/1952), s. 29(1), S.I. No. 338 of 1953.

Modified survey of passenger steamers holding Convention certificates.

29.—(1) Where an accepted Safety Convention certificate is produced in respect of a Safety Convention passenger steamer not registered in the State—

(*a*) the steamer shall not be required to be surveyed under the Merchant Shipping Acts by a surveyor of ships except for the purpose of determining the number of passengers that she is fit to carry;

(*b*) on receipt of any declaration of survey for the purpose aforesaid, the Minister shall issue a certificate under section 274 of the Principal Act containing only a statement of the particulars set out in paragraph (b) of that section (which relates to the said number of passengers), and a certificate so issued shall have effect as a passenger steamer's certificate.

...

C65 Passenger steamer certificate issued under section may be combined with other certificate as provided (18.04.1935) by *Merchant Shipping (Forms of Safety Convention Certificates) Rules 1935* (S.I. No. 141 of 1935.

4. A Safety Certificate issued under the provisions of the Act and a Passenger Steamer's Certificate issued under Section 274 of the Merchant Shipping Act, 1894, to the same ship, may be combined in one document.

Editorial Notes:

E112 Previous affecting provision: survey certificate issued under section may be cancelled in certain circumstances as provided (1.01.1934) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 3(2), S.I. No. 174 of 1933; repealed (4.10.1968) by *Merchant Shipping (Load Lines) Act 1968* (17/1968), s. 31(1) and sch., S.I. No. 206 of 1968.

Appeal to court of survey.

275.—(1) If the owner of a steamer feels aggrieved by the declaration of survey of a shipwright or engineer surveyor F138**[**or wireless telegraphy surveyor**]** F139**[**or radio surveyor**]**, or by the refusal of such a surveyor to give such a declaration, he may appeal to the court of survey for the port or district where the steamer for the time being is, in manner directed by the rules of that court.

(2) On any such appeal the judge of the court of survey shall report to the Board of Trade on the question raised by the appeal and the Board, when satisfied that the requirements of the report and of the foregoing provisions of this Part of this Act have been complied with, may grant a passenger steamer's certificate.

(3) Subject to any order made by the judge of the court of survey the costs of and incidental to the appeal shall follow the event.

(4) A shipwright or engineer surveyor F138**[**or wireless telegraphy surveyor**]** F139**[**or radio surveyor**]**in making a survey of a steamer for the purpose of a declaration of survey shall, if the owner of the steamer so requires, be accompanied on the survey by some person appointed by the owner, and in that case, if the surveyor and the person so appointed agree, there shall be no appeal under this section to the court of survey.

Annotations

Amendments:

F138 Inserted (1.01.1934) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 9(3), S.I. No. 174 of 1933.

F139 Inserted (19.11.1953) by *Merchant Shipping (Safety Convention) Act 1952* (29/1952), s. 17(2), S.I. No. 338 of 1953.

F137 Repealed by *Merchant Shipping Act 1992* (2/1992), s. 4 and sch., not commenced as of date of revision.

Modifications (not altering text):

C66 Prospective affecting provision: section repealed by *Merchant Shipping Act 1992* (2/1992), s. 4 and sch., not commenced as of date of revision.

275.—F131**[**...**]**

C67 Application of section extended (19.11.1953) by *Merchant Shipping (Safety Convention) Act 1952* (29/1952), s. 27(2), S.I. No. 338 of 1953.

Miscellaneous provisions as to surveys and certificates.

27.— ...

(2) Subsection (2) of section 272 of the Principal Act (which requires a surveyor to deliver declarations of survey to the owner of a ship), section 273 of that Act (which requires the owner to deliver the declaration to the Minister) and section 275 of that Act (which relates to appeals to the court of survey) shall apply to surveys for the purpose of the issue of any certificate in respect of a ship under this Act as they apply to surveys for the purpose of the issue of passenger steamers' certificates.

...

Transmission of certificate.

276.—(1) The Board of Trade shall transmit the passenger steamer's certificate in duplicate to a superintendent or some other public officer at the port mentioned by the owner of the steamer for the purpose, or at the port where the owner or his agent resides, or where the steamer has been surveyed or is for the time lying.

(2) The Board of Trade shall cause notice of the transmission to be given to the master or owner or his agent, and the officer to whom the certificate has been transmitted shall, on the owner, master, or agent applying and paying the proper fee and other sums (if any) mentioned in this Act as payable in that behalf, deliver to him both copies of the certificate.

(3) In proving the issue of a passenger steamer's certificate it shall be sufficient to show that the certificate was duly received by the said officer, and that due notice of the transmission was given to the owner, master, or agent.

Annotations

Amendments:

F140 Repealed by *Merchant Shipping Act 1992* (2/1992), s. 4 and sch., not commenced as of date of revision.

Modifications (not altering text):

C68 Prospective affecting provision: section repealed by *Merchant Shipping Act 1992* (2/1992), s. 4 and sch., not commenced as of date of revision.

276.—F140**[**...**]**

C69 Application of section restricted (14.05.1967) by *Merchant Shipping Act 1966* (20/1966), s. 4(6)(a), S.I. No. 54 of 1967.

Cargo ship safety construction certificates and exemption certificates.

4.— ...

(6) In relation to a certificate issued or extended under this section by a person authorised by the Minister—

(*a*) the provisions applied by section 27 (8) of the Act of 1952 (which relate to the transmission, cancellation, surrender, posting-up and falsification of certificates issued by the Minister), except section 276 of the Principal Act (transmission of certificates), and

(*b*) section 5 of the Act of 1952 (fees);

shall apply as they apply in relation to certificates issued by the Minister, but so much of section 6 of the Act of 1952 as requires fees to be paid into or disposed of for the benefit of the Exchequer shall not apply.

...

C70 Application of section extended (19.11.1953) by *Merchant Shipping (Safety Convention) Act 1952* (29/1952), s. 27(8), S.I. No. 338 of 1953.

Miscellaneous provisions as to surveys and certificates.

27.— ...

(8) The following provisions of the Principal Act shall apply to and in relation to certificates issued by the Minister, and ships certified, under this Act in the same manner as they apply to and in relation to passenger steamers' certificates and passenger steamers, namely, section 276 (which relates to the transmission of a certificate to the owner of the steamer), section 279 (which relates to the cancellation of certificates), section 280 (which relates to the surrender of certificates no longer in force), section 281 (which relates to the posting up of a certificate on board) and section 282 (which relates to the forging and falsification of certificates).

…

Editorial Notes:

E113 Previous affecting provision: application of section extended by *Merchant Shipping (Convention) Act 1914* (4 & 5 Geo. 5) c. 50, s. 11(2), not commenced as per s. 29(5) prior to Independence because of repeated Orders in Council postponing commencement and not commenced subsequently; repealed (3.11.1933) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 67(2) and sch. 2 part III, commenced on enactment.

Fees for certificate.

277.—The grantee of a passenger steamer's certificate shall pay such fees, not exceeding those specified in Part One of the Ninth Schedule to this Act, as the Board of Trade fix.

Annotations

Amendments:

F141 Repealed by *Merchant Shipping Act 1992* (2/1992), s. 4 and sch., not commenced as of date of revision.

Modifications (not altering text):

C71 Prospective affecting provision: section repealed by *Merchant Shipping Act 1992* (2/1992), s. 4 and sch., not commenced as of date of revision.

277.—F141**[**...**]**

Editorial Notes:

E114 Previous affecting provision: application of section extended by *Merchant Shipping (Convention) Act 1914* (4 & 5 Geo. 5) c. 50, s. 11(2), not commenced as per s. 29(5) prior to Independence because of repeated Orders in Council postponing commencement and not commenced subsequently; repealed (3.11.1933) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 67(2) and sch. 2 part III, commenced on enactment.

Duration of certificates.

278.—(1) A passenger steamer's certificate shall not be in force for more than one year from the date of its issue, or any shorter time specified in the certificate, nor

after notice is given by the Board of Trade to the owner, agent, or master of the steamer, that the Board have cancelled it.

(2) If a passenger steamer is absent from the United Kingdom at the time when her certificate expires, a fine shall not be incurred for want of a certificate until she first begins to ply with passengers after her next return to the United Kingdom.

Annotations

Amendments:

F142 Repealed by *Merchant Shipping Act 1992* (2/1992), s. 4 and sch., not commenced as of date of revision.

Modifications (not altering text):

C72 Prospective affecting provision: section repealed by *Merchant Shipping Act 1992* (2/1992), s.4 and sch., not commenced as of date of revision.

278.—F142**[**...**]**

Cancellation of certificate.

279.—(1) The Board of Trade may cancel a passenger steamer's certificate where they have reason to believe—

(*a*) that any declaration of survey on which the certificate was founded has been in any particular made fraudulently or erroneously; or,

(*b*) that the certificate has been issued upon false or erroneous information; or,

(*c*) that since the making of the declaration, the hull, equipments, or machinery have sustained any injury, or are otherwise insufficient.

(2) In every such case the Board of Trade may require the owner to have the hull equipment or machinery of the steamer again surveyed, and to transmit further declarations of survey, before they re-issue the certificate or grant a fresh one in lieu thereof.

Annotations

Amendments:

F143 Repealed by *Merchant Shipping Act 1992* (2/1992), s. 4 and sch., not commenced as of date of revision.

Modifications (not altering text):

C73 Prospective affecting provision: section repealed by *Merchant Shipping Act 1992* (2/1992), s. 4 and sch., not commenced as of date of revision.

279.—F143**[**...**]**

C74 Application of section extended (14.05.1967) by *Merchant Shipping Act 1966* (20/1966), s. 4(6)(a), S.I. No. 54 of 1967.

Cargo ship safety construction certificates and exemption certificates.

4.- ....

(6) In relation to a certificate issued or extended under this section by a person authorised by the Minister—

(a) the provisions applied by section 27 (8) of the Act of 1952 (which relate to the transmission, cancellation, surrender, posting-up and falsification of certificates issued by the Minister), except section 276 of the Principal Act (transmission of certificates), and

(b) section 5 of the Act of 1952 (fees);

shall apply as they apply in relation to certificates issued by the Minister, but so much of section 6 of the Act of 1952 as requires fees to be paid into or disposed of for the benefit of the Exchequer shall not apply.

...

C75 Application of section extended (19.11.1953) by *Merchant Shipping (Safety Convention) Act 1952* (29/1952), s. 27(8), S.I. No. 338 of 1953.

Miscellaneous provisions as to surveys and certificates.

27.— ...

(8) The following provisions of the Principal Act shall apply to and in relation to certificates issued by the Minister, and ships certified, under this Act in the same manner as they apply to and in relation to passenger steamers' certificates and passenger steamers, namely, section 276 (which relates to the transmission of a certificate to the owner of the steamer), section 279 (which relates to the cancellation of certificates), section 280 (which relates to the surrender of certificates no longer in force), section 281 (which relates to the posting up of a certificate on board) and section 282 (which relates to the forging and falsification of certificates).

...

Editorial Notes:

E115 Previous affecting provision: application of section extended by *Merchant Shipping (Convention) Act 1914* (4 & 5 Geo. 5) c. 50, s. 11(2), not commenced as per s. 29(5) prior to Independence because of repeated Orders in Council postponing commencement and not commenced subsequently; repealed (3.11.1933) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 67(2) and sch. 2 part III, commenced on enactment.

Delivery up of certificate.

280.—(1) The Board of Trade may require a passenger steamer's certificate, which has expired or been cancelled, to be delivered up as they direct.

(2) If any owner or master fails without reasonable cause to comply with such requirement, he shall for each offence be liable to a fine not exceeding ten pounds.

Annotations

Amendments:

F144 Repealed by *Merchant Shipping Act 1992* (2/1992), s. 4 and sch., not commenced as of date of revision.

Modifications (not altering text):

C76 Prospective affecting provision: section repealed by *Merchant Shipping Act 1992* (2/1992), s. 4 and sch., not commenced as of date of revision.

280.F144**[**...**]**

C77 Application of section extended (4.10.1968) by *Merchant Shipping (Load Lines) Act 1968* (17/1968), s. 27(3), S.I. No. 206 of 1968.

Miscellaneous supplementary provisions.

27.— ...

(3) The provisions of sections 280 and 282 of the Merchant Shipping Act, 1894, shall have effect in relation to any certificate which can be issued under this Act as they have effect in relation to a passenger steamer's certificate.

...

C78 Application of section extended (14.05.1967) by *Merchant Shipping Act 1966* (20/1966), s. 4(6)(a), S.I. No. 54 of 1967.

Cargo ship safety construction certificates and exemption certificates.

4.— ...

(6) In relation to a certificate issued or extended under this section by a person authorised by the Minister—

(a) the provisions applied by section 27 (8) of the Act of 1952 (which relate to the transmission, cancellation, surrender, posting-up and falsification of certificates issued by the Minister), except section 276 of the Principal Act (transmission of certificates), and

(b) section 5 of the Act of 1952 (fees);

shall apply as they apply in relation to certificates issued by the Minister, but so much of section 6 of the Act of 1952 as requires fees to be paid into or disposed of for the benefit of the Exchequer shall not apply.

...

C79 Application of section extended (19.11.1953) by *Merchant Shipping (Safety Convention) Act 1952* (29/1952), s. 27(8), S.I. No. 338 of 1953.

Miscellaneous provisions as to surveys and certificates.

27.— ...

(8) The following provisions of the Principal Act shall apply to and in relation to certificates issued by the Minister, and ships certified, under this Act in the same manner as they apply to and in relation to passenger steamers' certificates and passenger steamers, namely, section 276 (which relates to the transmission of a certificate to the owner of the steamer), section 279 (which relates to the cancellation of certificates), section 280 (which relates to the surrender of certificates no longer in force), section 281 (which relates to the posting up of a certificate on board) and section 282 (which relates to the forging and falsification of certificates).

...

Editorial Notes:

E116 A fine of £10 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

E117 Previous affecting provision: application of section extended by Merchant Shipping (Convention) Act 1914 (4 & 5 Geo. 5) c. 50, s. 11(2), not commenced as per s. 29(5) prior to Independence because of repeated Orders in Council postponing commencement and not commenced subsequently; repealed (3.11.1933) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 67(2) and sch. 2 part III, commenced on enactment.

Posting up of certificate.

281.—(1) The owner or master of every passenger steamer required to have a passenger steamer's certificate shall forthwith on the receipt of the certificate by him or his agent cause one of the duplicates to be put up in some conspicuous place on board the steamer, so as to be legible to all persons on board, and to be kept so put up and legible while the certificate remains in force, and the steamer is in use.

(2) If the owner or master fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding ten pounds.

(3) If a passenger steamer plies or goes to sea with passengers on board, and this section is not complied with, then for each offence the owner thereof shall be liable to a fine not exceeding one hundred pounds, and the master shall also be liable to a further fine not exceeding twenty pounds.

Annotations

Amendments:

F145 Repealed by *Merchant Shipping Act 1992* (2/1992), s. 4 and sch., not commenced as of date of revision.

Modifications (not altering text):

C80 Prospective affecting provision: section repealed by *Merchant Shipping Act 1992* (2/1992), s.4 and sch., not yet commenced.

281.—F145**[**...**]**

C81 Application of section extended (14.05.1967) by *Merchant Shipping Act 1966* (20/1966), s. 4(6)(a), S.I. No. 54 of 1967.

Cargo ship safety construction certificates and exemption certificates.

4.— ...

(6) In relation to a certificate issued or extended under this section by a person authorised by the Minister—

(a) the provisions applied by section 27 (8) of the Act of 1952 (which relate to the transmission, cancellation, surrender, posting-up and falsification of certificates issued by the Minister), except section 276 of the Principal Act (transmission of certificates), and

...

shall apply as they apply in relation to certificates issued by the Minister, but so much of section 6 of the Act of 1952 as requires fees to be paid into or disposed of for the benefit of the Exchequer shall not apply.

...

C82 Application of section extended (19.11.1953) by *Merchant Shipping (Safety Convention) Act 1952* (29/1952), s. 27(8), S.I. No. 338 of 1953.

Miscellaneous provisions as to surveys and certificates.

27.— ...

(8) The following provisions of the Principal Act shall apply to and in relation to certificates issued by the Minister, and ships certified, under this Act in the same manner as they apply to and in relation to passenger steamers' certificates and passenger steamers, namely, section 276 (which relates to the transmission of a certificate to the owner of the steamer), section 279 (which relates to the cancellation of certificates), section 280 (which relates to the surrender of certificates no longer in force), section 281 (which relates to the posting up of a certificate on board) and section 282 (which relates to the forging and falsification of certificates).

...

Editorial Notes:

E118 A fine of £10 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

E119 A fine of £100 translates into a Class A fine, not exceeding €5,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 4, table ref. no. 8, S.I. No. 662 of 2010.

E120 A fine of £20 translates into a Class C fine, not exceeding €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 6, table ref. no. 8, S.I. No. 662 of 2010.

E121 Previous affecting provision: application of section extended by *Merchant Shipping (Convention) Act 1914* (4 & 5 Geo. 5) c. 50, s. 11(2), not commenced as per s. 29(5) prior to Independence because of repeated Orders in Council postponing commencement and not commenced subsequently; repealed (3.11.1933) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 67(2) and sch. 2 part III, commenced on enactment.

Penalty for forgery of certificate or declaration.

282.—If any person—

(*a*) knowingly and wilfully makes, or assists in making, or procures to be made, a false or fraudulent declaration of survey or passenger steamer's certificate; or

(*b*) forges, assists in forging, procures to be forged, fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any such declaration or certificate, or anything contained in, or any signature to any such declaration or certificate;

that person shall in respect of each offence be guilty of a misdemeanor.

Annotations

Amendments:

F146 Repealed by *Merchant Shipping Act 1992* (2/1992), s. 4 and sch., not commenced as of date of revision.

Modifications (not altering text):

C83 Prospective affecting provision: section repealed by *Merchant Shipping Act 1992* (2/1992), s.4 and sch., not commenced as of date of revision.

282.—F146**[**...**]**

C84 Application of section extended (4.10.1968) by *Merchant Shipping (Load Lines) Act 1968* (17/1968), s. 27(3), S.I. No. 206 of 1968.

Miscellaneous supplementary provisions.

27.— ...

(3) The provisions of sections 280 and 282 of the Merchant Shipping Act, 1894, shall have effect in relation to any certificate which can be issued under this Act as they have effect in relation to a passenger steamer's certificate.

C85 Application of section extended (14.05.1967) by *Merchant Shipping Act 1966* (20/1966), s. 4(6)(a), S.I. No. 54 of 1967.

4.— ...

(6) In relation to a certificate issued or extended under this section by a person authorised by the Minister—

(a) the provisions applied by section 27 (8) of the Act of 1952 (which relate to the transmission, cancellation, surrender, posting-up and falsification of certificates issued by the Minister), except section 276 of the Principal Act (transmission of certificates), and

(b) section 5 of the Act of 1952 (fees);

shall apply as they apply in relation to certificates issued by the Minister, but so much of section 6 of the Act of 1952 as requires fees to be paid into or disposed of for the benefit of the Exchequer shall not apply.

...

C86 Application of section extended (19.11.1953) by *Merchant Shipping (Safety Convention) Act 1952* (29/1952), s. 27(8), S.I. No. 338 of 1953.

Miscellaneous provisions as to surveys and certificates.

27.— ...

(8) The following provisions of the Principal Act shall apply to and in relation to certificates issued by the Minister, and ships certified, under this Act in the same manner as they apply to and in relation to passenger steamers' certificates and passenger steamers, namely, section 276 (which relates to the transmission of a certificate to the owner of the steamer), section 279 (which relates to the cancellation of certificates), section 280 (which relates to the surrender of certificates no longer in force), section 281 (which relates to the posting up of a certificate on board) and section 282 (which relates to the forging and falsification of certificates).

...

Editorial Notes:

E122 Previous affecting provision: application of section extended (3.11.1933) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 65, commenced on enactment; repealed (4.10.1968) by *Merchant Shipping (Load Lines) Act 1968* (17/1968), s. 31(1) and sch., S.I. No. 206 of 1968.

E123 Previous affecting provision: application of section extended by *Merchant Shipping (Convention) Act 1914* (4 & 5 Geo. 5) c. 50, s. 11(2), not commenced as per s. 29(5) prior to Independence because of repeated Orders in Council postponing commencement and not commenced subsequently; repealed (3.11.1933) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 67(2) and sch. 2 part III, commenced on enactment.

Penalty for carrying passengers in excess.

283.—The owner or master of any passenger steamer shall not receive on board thereof, or on or in any part thereof, any number of passengers which, having regard to the time, occasion, and circumstances of the case, is greater than the number allowed by the passenger steamer's certificate, and if he does so, he shall for each offence be liable to a fine not exceeding twenty pounds, and also to an additional fine not exceeding five shillings for every passenger above the number so allowed, or if the fare of any passenger on board exceeds five shillings, not exceeding double the amount of the fares of all the passengers above the number so allowed, reckoned at the highest rate of fare payable by any passenger on board.

Annotations

Amendments:

F147 Repealed by *Merchant Shipping Act 1992* (2/1992), s. 4 and sch., not commenced as of date of revision.

Modifications (not altering text):

C87 Prospective affecting provision: section repealed by *Merchant Shipping Act 1992* (2/1992), s. 4 and sch., not commenced as of date of revision.

283.—F147**[**...**]**

C88 Application of section restricted (19.11.1953) by *Merchant Shipping (Safety Convention) Act 1952* (29/1952), s. 44, S.I. No. 338 of 1953.

Removing persons in case of danger

44.—Where the Minister for the purpose of enabling persons to be removed from any place in consequence of a threat to their lives has permitted more persons to be carried on board a ship than are permitted under the Merchant Shipping Acts apart from this section, the carriage of that excess of persons shall not be an offence under those Acts.

C89 Application of section construed (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 22, commenced as per s. 86(2).

Overcrowding of passenger steamers.

22. If a passenger steamer has on board at any place a number of passengers which, having regard to the time, occasion, and circumstances of the case, is greater than the number allowed by the passenger steamer's certificate, the owner or master of the steamer shall, for the purposes of section two hundred and eighty-three of the principal Act, be deemed to have received those passengers on board at that place.

Editorial Notes:

E124 A fine of £20 translates into a Class C fine, not exceeding €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 6, table ref. no. 8, S.I. No. 662 of 2010.

Colonial certificates for passenger steamers.

284.—Where the legislature of any British possession provides for the survey of, and grant of certificates for, passenger steamers, and the Board of Trade report to Her Majesty the Queen that they are satisfied that the certificates are to the like effect, and are granted after a like survey, and in such manner as to be equally efficient with the certificates granted for the same purpose in the United Kingdom under this Act, Her Majesty in Council may—

(1) declare that the certificates granted in the said British possession shall be of the same force as if granted under this Act; and

(2) declare that all or any of the provisions of this Part of this Act which relate to passenger steamer's certificates shall, either without modification or with such modifications as to Her Majesty may seem necessary, apply to the certificates granted in the said British possession; and

(3) impose such conditions and make such regulations with respect to the certificates, and to the use, delivery, and cancellation thereof, as to Her Majesty may seem fit, and impose fines not exceeding fifty pounds for the breach of those conditions and regulations.

Annotations

Amendments:

F148 Repealed by *Merchant Shipping Act 1992* (2/1992), s. 4 and sch., not commenced as of date of revision.

Modifications (not altering text):

C90 Prospective affecting provision: section repealed by *Merchant Shipping Act 1992* (2/1992), s. 4 and sch., not commenced as of date of revision.

284.—F148**[**...**]**

C91 Application of section restricted (1.01.1934) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 21(2), S.I. No. 174 of 1933.

Modification of existing provisions for exemption of ships not registered in Saorstát Eireann.

21.— ...

(2) Section two hundred and eighty-four of the Principal Act (which provides for the recognition of passenger steamers' certificates granted in any part of the British Commonwealth of Nations) and any Order in Council thereunder which has the force of law in Saorstát Eireann and section three hundred and sixty-three of that Act (which provides for the exemption of passenger steamers not registered in any part of the British Commonwealth of Nations from survey) shall, on the first

day of January, nineteen hundred and thirty-four, cease to apply to Safety Convention passenger steamers plying on international voyages.

Editorial Notes:

E125 A fine of £50 translates into a Class B fine, not exceeding €4,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 5, table ref. no. 8, S.I. No. 662 of 2010.

General Equipment of Passenger Steamers.

Equipment of passenger steamers with compasses, hose, deck shelters, and safety appliances.

285.—(1) A sea-going passenger steamer shall have her compasses properly adjusted from time to time, to the satisfaction of the shipwright surveyor and according to such regulations as may be issued by the Board of Trade.

(2) F149**[**...**]**

(3) A home trade passenger steamer shall be provided with such shelter for the protection of deck passengers (if any) as the Board of Trade, having regard to the nature of the passage, the number of deck passengers to be carried, the season of the year, the safety of the ship, and the circumstances of the case, require.

(4) A passenger steamer shall be provided with a safety valve on each boiler, so constructed as to be out of the control of the engineer when the steam is up, and, if the safety valve is in addition to the ordinary valve, so constructed as to have an area not less, and a pressure not greater, than the area of and pressure on the ordinary valve.

(5) If a passenger steamer plies or goes to sea from a port in the United Kingdom without being equipped as required by this section, then, for each matter in which default is made, the owner (if in fault) shall be liable to a fine not exceeding one hundred pounds, and the master (if in fault) shall be liable to a fine not exceeding fifty pounds.

Annotations

Amendments:

F149 Repealed (1.01.1934) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 36(2) and sch. 2 part I, S.I. No. 174 of 1933.

F150 Repealed by *Merchant Shipping Act 1992* (2/1992), s. 4 and sch., not commenced as of date of revision.

Modifications (not altering text):

C92 Prospective affecting provision: section repealed by *Merchant Shipping Act 1992* (2/1992), s. 4 and sch., not commenced as of date of revision.

285.—F150**[**...**]**

Editorial Notes:

E126 A fine of £100 translates into a Class A fine, not exceeding €5,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 4, table ref. no. 8, S.I. No. 662 of 2010.

E127 A fine of £50 translates into a Class B fine, not exceeding €4,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 5, table ref. no. 8, S.I. No. 662 of 2010.

Prohibition of increasing weight on safety valve.

286.—A person shall not increase the weight on the safety valve of a passenger steamer beyond the limits fixed by the surveyor, and, if he does so, he shall, in addition to any other liability he may incur by so doing, be liable for each offence to a fine not exceeding one hundred pounds.

Annotations

Amendments:

F151 Repealed by*Merchant Shipping Act 1992* (2/1992), s. 4 and sch., not commenced as of date of revision.

Modifications (not altering text):

C93 Prospective affecting provision: section repealed by *Merchant Shipping Act 1992* (2/1992), s. 4 and sch., not commenced as of date of revision.

286.—F151**[**...**]**

Editorial Notes:

E128 A fine of £100 translates into a Class A fine, not exceeding €5,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 4, table ref. no. 8, S.I. No. 662 of 2010.

Keeping Order in Passenger Steamers.

Offences in connexion with passenger steamers.

287.—(1) If any of the following offences is committed in the case of a passenger steamer for which there is a passenger steamer's certificate in force; (that is to say,)

(*a*) If any person being drunk or disorderly has been on that account refused admission thereto by the owner or any person in his employment, and, after having the amount of his fare (if he has paid it) returned or tendered to him, nevertheless persists in attempting to enter the steamer:

(*b*) If any person being drunk or disorderly on board the steamer is requested by the owner or any person in his employ to leave the steamer at any place in the United Kingdom, at which he can conveniently do so, and, after having the amount of his fare (if he has paid it) returned or tendered to him, does not comply with the request:

(*c*) If any person on board the steamer, after warning by the master or other officer thereof, molests or continues to molest any passenger:

(*d*) If any person, after having been refused admission to the steamer by the owner or any person in his employ on account of the steamer being full, and having had the amount of his fare (if he has paid it) returned or tendered to him, nevertheless persists in attempting to enter the steamer:

(*e*) If any person having gone on board the steamer at any place, and being requested, on account of the steamer being full, by the owner or any person in his employ to leave the steamer, before it has quitted that place, and having had the amount of his fare (if he has paid it) returned or tendered to him, does not comply with that request:

(*f*) If any person travels or attempts to travel in the steamer without first paying his fare, and with intent to avoid payment thereof:

(*g*) If any person, having paid his fare for a certain distance, knowingly and wilfully proceeds in the steamer beyond that distance without first paying the additional fare for the additional distance, and with intent to avoid payment thereof:

(*h*) If any person on arriving in the steamer at a point to which he has paid his fare knowingly and wilfully refuses or neglects to quit the steamer: and

(*i*) If any person on board the steamer fails, when requested by the master or other officer thereof, either to pay his fare or exhibit such ticket or other receipt, if any, showing the payment of his fare, as is usually given to persons travelling by and paying their fare for the steamer:

the person so offending shall for each offence be liable to a fine not exceeding forty shillings, but that liability shall not prejudice the recovery of any fare payable by him.

(2) If any person on board any such steamer wilfully does or causes to be done anything in such a manner as to obstruct or injure any part of the machinery or tackle of the steamer, or to obstruct, impede, or molest the crew, or any of them, in the navigation or management of the steamer, or otherwise in the execution of their duty on or about the steamer, he shall for each offence be liable to a fine not exceeding twenty pounds.

(3) The master or other officer of any such steamer, and all persons called by him to his assistance, may, without any warrant, detain any person who commits any offence against this section and whose name and address are unknown to the master or officer, and convey the offender with all convenient despatch before some justice of the peace to be dealt with according to law, and that justice shall with all convenient despatch try the case in a summary manner.

(4) If any person commits an offence against this section and on the application of the master of the steamer, or any other person in the employ of the owner thereof, refuses to give his name and address, or gives a false name or address, that person shall be liable to a fine not exceeding twenty pounds, and the fine shall be paid to the owner of the steamer.

Annotations

Editorial Notes:

E129 A fine of 40 shillings or £2 translates into a Class E fine, not exceeding €500, as provided (4.01.2011) by Fines Act 2010 (8/2010), ss. 3 and 8, table ref. no. 8, S.I. No. 662 of 2010.

E130 A fine of £20 translates into a Class C fine, not exceeding €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 6, table ref. no. 8, S.I. No. 662 of 2010.

E131 Provision for detention of habitual drunkard, once convicted under subs. (1)(a), (b), made (12.08.1898) by *Inebriates Act 1898* (61 & 62 Vict.) c. 60, s. 2(1) and sch. 1, commenced on enactment.

Power to exclude drunken passengers on home trade passenger steamers.

288.—The master of any home trade passenger steamer may refuse to receive on board thereof any person who by reason of drunkenness or otherwise is in such a state, or misconducts himself in such a manner, as to cause annoyance or injury to passengers on board, and if any such person is on board, may put him on shore at any convenient place; and a person so refused admittance or put on shore shall not be entitled to the return of any fare he has paid.

Annotations

Amendments:

F152 Repealed by *Merchant Shipping Act 1992* (2/1992), s. 4 and sch., not commenced as of date of revision.

Modifications (not altering text):

C94 Prospective affecting provision: section repealed by *Merchant Shipping Act 1992* (2/1992), s. 4 and sch., not commenced as of date of revision.

288.—F152**[**...**]**

3. Emigrant Ships.

Survey of Emigrant Ships.

Preliminary survey of emigrant ship.

289.—(1) An emigrant ship, in respect of which a passenger steamer's certificate is not in force, shall not clear outwards or proceed to sea on any voyage unless she has been surveyed under the direction of the emigration officer at the port of clearance, but at the expense of the owner or charterer thereof, by two or more competent surveyors to be appointed at any port in the British Islands where there is an emigration officer by the Board of Trade, and at other ports by the Commissioners of Customs, and has been reported by such surveyors to be in their opinion seaworthy and fit for her intended voyage.

(2) The survey shall be made before any portion of the cargo is taken on board, except so much as may be necessary for ballasting the ship, and such portion of cargo if laden on board shall be shifted, if required by the emigration officer or the surveyors, so as to expose to view successively every part of the frame of the ship.

(3) If any such surveyors report that the ship is not seaworthy, or not fit for her intended voyage, the owner or charterer may, if he thinks fit, by writing under his hand require the emigration officer to appoint three other competent surveyors (of whom two at least must be shipwrights) to survey the ship at the expense of the owner or charterer, and the said officer shall thereupon appoint such surveyors, and they shall survey the ship and if by unanimous report under their hands, but not otherwise, they declare the ship to be seaworthy and fit for her intended voyage, the ship shall for the purposes of this Part of the Act be deemed seaworthy and fit for that voyage.

(4) If any requirement of this section is not complied with in the case of any emigrant ship, the owner charterer or master of the ship or any of them shall for each offence be liable to a fine not exceeding one hundred pounds.

Annotations

Editorial Notes:

E132 A fine of £100 translates into a Class A fine, not exceeding €5,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 4, table ref. no. 8, S.I. No. 662 of 2010.

E133 Previous affecting provision: application of section restricted by *Merchant Shipping (Convention) Act 1914* (4 & 5 Geo. 5) c. 50, s. 11(2), not commenced as per s. 29(5) prior to Independence because of repeated Orders in Council postponing commencement and not commenced subsequently; repealed (3.11.1933) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 67(2) and sch. 2 part III, commenced on enactment.

Equipments.

Equipment with compasses, chronometers, fire engine, anchors, &c.

290.—(1) Every emigrant ship shall, in addition to any other requirement under this Act, be provided with the following articles; namely,—

(*a*) With at least three steering compasses, and one azimuth compass; and

(*b*) If proceeding to any place north of the Equator, with at least one chronometer; and

(*c*) If proceeding to any place south of the Equator, with at least two chronometers; and

(*d*) With a fire engine in proper working order and of such description and power, and either with or without such other apparatus for extinguishing fire as the emigration officer may approve; and

(*e*) With three bower anchors of such weight and with cables of such length, size, and material, as in the judgment of the emigration officer are sufficient for the size of the ship; and

(*f*) If a foreign ship, with four properly fitted lifebuoys kept ready at all times for immediate use; and

(*g*) Adequate means, to be approved by the emigration officer at the port of clearance, of making signals by night.

(2) If any requirement of this section is not complied with in the case of any emigrant ship, the master of that ship shall for each offence be liable to a fine not exceeding fifty pounds.

Annotations

Modifications (not altering text):

C95 Application of subs. (1)(d), (f) restricted (19.11.1953) by *Merchant Shipping (Safety Convention) Act 1952* (29/1952), s. 30(1), S.I. No. 338 of 1953.

Miscellaneous privileges of ships holding Convention certificates.

30.—(1) Where an accepted Safety Convention certificate is produced in respect of a Safety Convention passenger steamer not registered in the State, the steamer shall be exempt from paragraphs (d) and (f) of subsection (1) of section 290 of the Principal Act (which relate to the equipments of emigrant ships) and section 420 of that Act (which relates to lights and fog-signals) and from the rules for life-saving appliances.

...

Editorial Notes:

E134 A fine of £50 translates into a Class B fine, not exceeding €4,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 5, table ref. no. 8, S.I. No. 662 of 2010.

E135 Previous affecting provision: application of subs. (1)(d), (f) restricted (1.01.1934) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 18(a), S.I. No. 174 of 1934; repealed (4.10.1968) by *Merchant Shipping (Load Lines) Act 1968* (17/1968), s. 31(1) and sch., S.I. No. 206 of 1968.

Number of, and Accommodation for, Passengers.

Limit of number of steerage passengers to be carried on emigrant ships.

291.—F153**[**...**]**

Annotations

Amendments:

F153 Repealed (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 85 and sch. 2, commenced as per s. 86(2).

Limit of number of steerage passengers to be carried on emigrant ships.

292.—(1) The number of steerage passengers carried in an emigrant ship shall not exceed the number limited by the regulations in the Tenth Schedule to this Act.

(2) If there is on board any emigrant ship at or after the time of clearance a greater number of steerage passengers than the number so limited (except as increased by births at sea), the master of the ship shall be liable to a fine not exceeding twenty pounds for each steerage passenger constituting such excess.

Annotations

Editorial Notes:

E136 A fine of £20 translates into a Class C fine, not exceeding €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 6, table ref. no. 8, S.I. No. 662 of 2010.

Regulations as to accommodation of steerage passengers.

293.—(1) The regulations as to the accommodation for steerage passengers in the Eleventh Schedule to this Act, relating to the construction of passenger decks, to berths, to hospitals, to privies, and to the supply of light and ventilation, shall be observed in the case of all emigrant ships as if they were contained in this section.

(2) If any requirement of this section is not complied with in the case of any emigrant ship, the owner charterer or master of the ship or any of them shall for each offence be liable to a fine not exceeding fifty pounds, except that the master shall alone be liable to the fine where he is in any such regulation expressed to be alone liable.

Annotations

Editorial Notes:

E137 A fine of £50 translates into a Class B fine, not exceeding €4,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 5, table ref. no. 8, S.I. No. 662 of 2010.

Stowage of goods.

294.—(1) No part of the cargo or of the steerage passengers luggage, or of the provisions, water, or stores, whether for the use of the steerage passengers or of the crew, shall be carried on the upper deck or on the passenger decks, unless in the opinion of the emigration officer at the port of clearance the same is so placed as not to impede light or ventilation or to interfere with the comfort of the steerage passengers, nor unless the same is stowed and secured to the satisfaction of the emigration officer; and the space thereby occupied or rendered in the opinion of such officer unavailable for the accommodation of the steerage passengers shall (unless occupied by the said steerage passengers luggage) be deducted in calculating the space by which the number of steerage passengers is regulated.

(2) If any requirement of this section is not complied with in the case of any emigrant ship, the owner charterer or master or any of them shall for each offence be liable to a fine not exceeding three hundred pounds.

Annotations

Editorial Notes:

E138 A fine of £300 translates into a Class A fine, not exceeding €5,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 4, table ref. no. 8, S.I. No. 662 of 2010.

Provisions, Water, and Medical Stores.

Supply of provisions and water.

295.—(1) There shall be placed on board every emigrant ship, for the steerage passengers provisions and water of good and wholesome quality and in sweet and good condition, and in quantities sufficient to secure throughout the voyage the issues required by this Part of this Act.

(2) In addition to the allowance of pure water for each steerage passenger, water shall be shipped for cooking purposes sufficient to supply ten gallons for every day of the length of the voyage as determined under this Part of this Act for every one hundred statute adults on board.

(3) There shall also be shipped for the use of the crew and all other persons on board an ample amount of wholesome provisions and pure water, not inferior in quality to the provisions and water provided for the steerage passengers.

(4) All such water and provisions shall be provided and stowed away by and at the expense of the owner, charterer, or master of the ship.

(5) If any emigrant ship obtains a clearance without being provided with the requisite quantities of water and provisions in accordance with this section, the owner charterer or master of that ship or any of them shall for each offence be liable to a fine not exceeding three hundred pounds.

(6) Before an emigrant ship is cleared outwards, the emigration officer at the port of clearance shall survey or cause to be surveyed by some competent person the provisions and water by this Act required to be placed on board for the steerage passengers, and shall satisfy himself that the same are of good and wholesome quality and in sweet and good condition, and in the quantities required by this Act.

(7) If the emigration officer considers that any part of the provisions or water is not of a good and wholesome quality, or is not in sweet and good condition, he may reject and mark the same, or the packages or vessels in which it is contained, and direct the same to be forthwith landed or emptied.

(8) If the same are not forthwith landed or emptied, or if after being landed the same or any part thereof are reshipped in the ship, the owner charterer or master of the ship or any of them, or, if the same are shipped in any other emigrant ship, then the person causing the same to be so shipped, shall for each offence be liable to a fine not exceeding one hundred pounds.

Annotations

Editorial Notes:

E139 A fine of £300 translates into a Class A fine, not exceeding €5,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 4, table ref. no. 8, S.I. No. 662 of 2010.

E140 A fine of £100 translates into a Class A fine, not exceeding €5,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 4, table ref. no. 8, S.I. No. 662 of 2010.

Mode of carrying water.

296.—(1) The water to be placed on board emigrant ships as herein-before provided shall be carried in tanks or casks approved by the emigration officer at the port of clearance, and the casks shall be sweet and tight, of sufficient strength, and if of wood properly charred inside, and the staves shall not be made of fir, pine, or soft wood, and each cask shall not be capable of containing more than three hundred gallons.

(2) If any requirement of this section is not complied with in the case of any emigrant ship, the owner charterer or master of the ship, or any of them, shall for each offence be liable to a fine not exceeding fifty pounds.

Annotations

Editorial Notes:

E141 A fine of £50 translates into a Class B fine, not exceeding €4,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 5, table ref. no. 8, S.I. No. 662 of 2010.

Provision for touching at intermediate ports to take in water.

297.—If an emigrant ship is intended to call at any intermediate port during the voyage for the purpose of taking in water, and if an engagement to that effect is inserted in the master's bond herein-after mentioned, it shall be sufficient to place on board at the port of clearance such supply of water as is required by this Part of this Act for the voyage to the intermediate port, subject to the following conditions; (that is to say,)

(i) The emigration officer at the port of clearance shall approve in writing the arrangement, and the approval shall be carried among the ship's papers, and shall be exhibited at the intermediate port and delivered on the arrival of the ship at her final port of discharge to the chief officer of customs, or British consular officer, as the case may be:

(ii) If the length of either portion of the voyage, whether to the intermediate port, or from the intermediate port to the final port of discharge, is not determined under this Part of this Act, the emigration officer at the port of clearance shall declare the same in writing as part of his said approval of the arrangement:

(iii) The ship shall have on board at the time of clearance such tanks and water casks of the description by this Part of this Act required, as are sufficient for stowing the quantity of water required for the longest of the aforesaid portions of the voyage.

Issue of water or provisions during voyage.

298.—(1) The master of every emigrant ship shall during the voyage, including the time of detention at any place before the termination thereof, issue to each steerage passenger, or where the steerage passengers are divided into messes, to the head man for the time being of each mess, on behalf and for the use of all the members thereof, an allowance of pure water, and sweet and wholesome provisions of good quality, in accordance with the dietary scales in the Twelfth Schedule to this Act, which shall have effect as if they were contained in this section.

(2) The Board of Trade may, by notice published in the London Gazette, add to the dietary scales in the said schedule any dietary scale which in their opinion contains in the whole the same amount of wholesome nutriment as any scale in that schedule, and any dietary scale so added, inclusive of any regulations relating thereto, shall have effect as if they were contained in the said schedule as an alternative of the dietary scales therein contained, and accordingly a master of a ship may issue provisions according to the latter scales or to any scale so added, whichever is mentioned in the contract ticket of the steerage passengers.

(3) If any requirement of this section is not complied with in the case of any emigrant ship the master of the ship shall for each offence be liable to a fine not exceeding fifty pounds.

Annotations

Modifications (not altering text):

C96 Reference to the London Gazette construed (23.12.1927) by *Merchant Shipping Act, 1894, Adaptation (No. 2) Order 1927* (S.R. & O. No. 106 of 1927), art. 3.

3. The references to the London Gazette contained in the Merchant Shipping Act, 1894 (other than the reference thereto contained in subsection (2) of section 738 and the reference thereto contained in section 740 of the said Act) shall be construed as references to the Iris Oifigiúil and the said Act shall have effect accordingly.

Editorial Notes:

E142 A fine of £50 translates into a Class B fine, not exceeding €4,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 5, table ref. no. 8, S.I. No. 662 of 2010.

Issue of water or provisions during voyage.

299.—F154**[**...**]**

Annotations

Amendments:

F154 Repealed (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 85 and sch. 2, commenced as per s. 86(2).

Medical stores.

300.—(1) The owner or charterer of every emigrant ship shall provide for the use of the steerage passengers a supply of the following things (in this Part of this Act referred to as medical stores), namely, medicines, medical comforts, instruments, disinfectants, and other things proper and necessary for diseases and accidents incident to sea voyages and for the medical treatment of the steerage passengers during the voyage, with written directions for the use of such medical stores.

(2) The medical stores shall, in the judgment of the emigration officer at the port of clearance, be good in quality and sufficient in quantity for the probable exigencies of the intended voyage, and shall be properly packed, and placed under the charge of the medical practitioner, when there is one on board, to be used at his discretion.

(3) If any of the above requirements of this section is not complied with in the case of an emigrant ship, the master of the ship shall for each offence be liable to a fine not exceeding fifty pounds.

(4) An emigrant ship shall not clear outwards or proceed to sea unless a medical practitioner appointed by the emigration officer at the port of clearance has inspected the said medical stores, and certified to the emigration officer that they are sufficient in quantity and quality, or unless the emigration officer, in case he cannot on any particular occasion obtain the attendance of a medical practitioner, gives written permission for the purpose.

(5) If an emigrant ship clears outwards or proceeds to sea without such certificate or permission, the master of the ship shall for each offence be liable to a fine not exceeding one hundred pounds.

Annotations

Editorial Notes:

E143 A fine of £50 translates into a Class B fine, not exceeding €4,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 5, table ref. no. 8, S.I. No. 662 of 2010.

E144 A fine of £100 translates into a Class A fine, not exceeding €5,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 4, table ref. no. 8, S.I. No. 662 of 2010.

Dangerous Goods, and Carriage of Cattle.

Regulations as to carriage of dangerous goods, and of horses and cattle.

38 & 39 Vict. c. 17.

301.—(1) Subject to the provisions of this Part of this Act as to military stores, an emigrant ship shall not clear outwards or proceed to sea, if there is on board—

(*a*) as cargo, any article which is an explosive within the meaning of the Explosives Act, 1875, or any vitriol, lucifer matches, guano, or green hides, or

(*b*) either as cargo or ballast, any article or number of articles which by reason of the nature, quantity, or mode of stowage thereof are, either singly or collectively, in the opinion of the emigration officer, at the port of clearance, likely to endanger the health or lives of the steerage passengers or the safety of the ship, or

(*c*) as cargo, horses or cattle or other animals mentioned in the Thirteenth Schedule to this Act, except they are carried on the conditions stated in that schedule, which shall have effect as if contained in this section.

(2) If any requirement of this section is not complied with in the case of any ship, the owner charterer or master of the ship or any of them, shall for each offence be liable to a fine not exceeding three hundred pounds.

Annotations

Editorial Notes:

E145 A fine of £300 translates into a Class A fine, not exceeding €5,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 4, table ref. no. 8, S.I. No. 662 of 2010.

Carriage of military stores.

302.—(1) A Secretary of State may, by order under his hand, authorise the carriage as cargo in any emigrant ship (subject to such conditions and directions as may be specified in the order) of naval and military stores for the public service, and those stores may be carried accordingly.

(2) The order shall be addressed to the emigration officer and shall be by him countersigned, and delivered to the master of the ship to which it refers, and shall be delivered up by the master to the chief officer of customs at the port where the stores are discharged.

(3) The master shall comply with all the conditions and directions in the order, and, if he fails to do so, shall for each offence be liable to a fine not exceeding three hundred pounds.

Annotations

Editorial Notes:

E146 A fine of £300 translates into a Class A fine, not exceeding €5,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 4, table ref. no. 8, S.I. No. 662 of 2010.

Medical Officer, Staff, and Crew.

Medical practitioners.

303.—(1) Subject to any regulations made by Order in Council under this Part of this Act, a duly authorised medical practitioner shall be carried on board an emigrant ship—

(*a*) where the number of steerage passengers on board exceeds fifty; and also

(*b*) where the number of persons on board (including cabin passengers, officers, and crew) exceeds three hundred.

(2) A medical practitioner shall not be considered to be duly authorised for the purposes of this Act unless—

(*a*) he is authorised by law to practise as a legally qualified medical practitioner in some part of Her Majesty's dominions, or, in the case of a foreign ship, in the country to which that ship belongs: and

(*b*) his name has been notified to the emigration officer at the port of clearance, and has not been objected to by him: and

(*c*) he is provided with proper surgical instruments to the satisfaction of that officer.

(3) When the majority of the steerage passengers in any emigrant ship, or as many as three hundred of them, are foreigners, any medical practitioner whether authorised or not may, if approved by the emigration officer, be carried therein.

(4) Where a medical practitioner is carried on board an emigrant ship he shall be rated on the ship's articles.

(5) If any requirement of this section is not complied with in the case of any emigrant ship, the master of the ship shall for each offence be liable to a fine not exceeding one hundred pounds.

(6) If any person proceeds or attempts to proceed as medical practitioner in any emigrant ship without being duly authorised, or contrary to the requirements of this section, that person and any person aiding and abetting him shall for each offence be liable to a fine not exceeding one hundred pounds.

Annotations

Editorial Notes:

E147 A fine of £100 translates into a Class A fine, not exceeding €5,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 4, table ref. no. 8, S.I. No. 662 of 2010.

Steerage passengers stewards, cooks, and interpreters.

304.—(1) Every emigrant ship, if carrying as many as one hundred steerage passengers, shall carry a steerage steward, who shall be a seafaring man, and rated in the ship's articles as steerage steward, and approved by the emigration officer at the port of clearance: he shall be employed in messing and serving out the provisions to the steerage passengers, and in assisting to maintain cleanliness, order and good discipline among them, and shall not assist in any way in navigating or working the ship.

(2) Every emigrant ship carrying as many as one hundred steerage passengers shall also carry a steerage cook, and if carrying more than three hundred statute adults two steerage cooks, who shall be seafaring men, and be rated and approved as in the case of steerage stewards, and shall be employed in cooking the food of the steerage passengers.

(3) In every such ship a convenient place for cooking shall be set apart on deck, and a sufficient cooking apparatus, properly covered in and arranged, shall be provided, to the satisfaction of the emigration officer at the port of clearance, together with a proper supply of fuel adequate, in his opinion, for the intended voyage.

(4) Every foreign emigrant ship in which as many as one half of the steerage passengers are British subjects, shall, unless the master and officers or not less than three of them understand and speak intelligibly the English language, carry, if the number of steerage passengers does not exceed two hundred and fifty, one person, and if it exceeds two hundred and fifty, two persons, who understand and speak intelligibly the language spoken by the master and crew and also the English language: those persons shall act as interpreters, and be employed exclusively in attendance on the steerage passengers, and not in working the ship; and any such ship shall not clear outwards or proceed to sea without having such interpreter on board.

(5) If any requirement of this section is not complied with in the case of any emigrant ship, the master of the ship shall for each offence be liable to a fine not exceeding fifty pounds.

Annotations

Editorial Notes:

E148 A fine of £50 translates into a Class B fine, not exceeding €4,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 5, table ref. no. 8, S.I. No. 662 of 2010.

E149 Application of section modified (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 27(4), commenced as per s. 86(2); s. 27 repealed (1.08.1992) by *Merchant Shipping Act 1992* (2/1992), s. 4 and sch., S.I. No. 205 of 1992.

Crew of emigrant ship.

305.—(1) Every emigrant ship shall be manned with an efficient crew for her intended voyage, to the satisfaction of the emigration officer from whom a certificate for clearance for such ship is demanded: after the crew have been passed by the emigration officer, the strength of the crew shall not be diminished nor any of the men changed without the consent in writing either of that emigration officer or of the superintendent at the port of clearance.

(2) Where the consent of a superintendent has been obtained, it shall, within twenty-four hours thereafter, be lodged with the said emigration officer.

(3) If the emigration officer considers the crew inefficient, the owner or charterer of the ship may appeal in writing to the Board of Trade, and the Board shall, at the expense of the appellant, appoint two other emigration officers or two competent persons to examine into the matter, and the unanimous opinion of the persons so appointed, expressed under their hands, shall be conclusive on the point.

(4) If any requirement of this section is not complied with in the case of any emigrant ship, the master of that ship shall for each offence be liable to a fine not exceeding fifty pounds.

Annotations

Editorial Notes:

E150 A fine of £50 translates into a Class B fine, not exceeding €4,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 5, table ref. no. 8, S.I. No. 662 of 2010.

Medical Inspection.

Medical inspection of steerage passengers and crew.

306.—(1) An emigrant ship shall not clear outwards or proceed to sea until—

(*a*) either a medical practitioner, appointed by the emigration officer at the port of clearance, has inspected all the steerage passengers and crew about to proceed in the ship, and has certified to the emigration officer, and that officer is satisfied, that none of the steerage passengers or crew appear to be by reason of any bodily or mental disease unfit to proceed, or likely to endanger the health or safety of the other persons about to proceed in the ship; or

(*b*) the emigration officer, if he cannot on any particular occasion obtain the attendance of a medical practitioner, grants written permission for the purpose.

(2) The inspection shall take place either on board the ship, or, in the discretion of the emigration officer, at such convenient place on shore before embarkation, as he appoints, and the master, owner, or charterer of the ship shall pay to the emigration officer in respect of the inspection such fee not exceeding twenty shillings for every hundred persons or fraction of a hundred persons inspected, as the Board of Trade determine.

(3) If this section is not complied with in the case of any emigrant ship, the master of the ship shall for each offence be liable to a fine not exceeding one hundred pounds.

Annotations

Editorial Notes:

E151 A fine of £100 translates into a Class A fine, not exceeding €5,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 4, table ref. no. 8, S.I. No. 662 of 2010.

Relanding of persons for medical reasons.

307.—(1) If the emigration officer is satisfied that any person on board or about to proceed in any emigrant ship is by reason of sickness unfit to proceed, or is for that or any other reason in a condition likely to endanger the health or safety of the other persons on board, the emigration officer shall prohibit the embarkation of that person, or, if he is embarked, shall require him to be relanded; and if the emigration officer is satisfied that it is necessary for the purification of the ship or otherwise that all or any of the persons on board should be relanded, he may require the master of the ship to reland all those persons, and the master shall thereupon reland those persons, with so much of their effects and with such members of their families as cannot in the judgment of such emigration officer be properly separated from them.

(2) If any requirement of this section is not complied with in the case of any emigrant ship, the master owner or charterer of the ship, or any of them, shall for each offence be liable to a fine not exceeding two hundred pounds.

(3) If any person embarks when so prohibited to embark, or fails without reasonable cause to leave the ship when so required to be relanded, that person may be summarily removed, and shall be liable to a fine not exceeding forty shillings for each day during which he remains on board after the prohibition or requirement.

(4) Upon such relanding the master of the ship shall pay to each steerage passenger so relanded, or, if he is lodged and maintained in any hulk or establishment under the superintendence of the Board of Trade, then to the emigration officer at the port, subsistence money at the rate of one shilling and sixpence a day for each statute adult until he has been re-embarked or declines or neglects to proceed, or until his passage money, if recoverable under this Part of this Act, has been returned to him.

Annotations

Editorial Notes:

E152 A fine of £200 translates into a Class A fine, not exceeding €5,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 4, table ref. no. 8, S.I. No. 662 of 2010.

E153 A fine of 40 shillings or £2 translates into a Class E fine, not exceeding €500, as provided (4.01.2011) by Fines Act 2010 (8/2010), ss. 3 and 8, table ref. no. 8, S.I. No. 662 of 2010.

Return of passage money to persons relanded for medical reasons.

308.—When a person has been relanded from an emigrant ship on account of the sickness of himself or of any member of his family, and is not re-embarked or does not finally sail in that ship, he, or any emigration officer on his behalf, shall be entitled, on delivery up of his contract ticket, and notwithstanding that the ship has not sailed, to recover summarily, in the case of a steerage passenger the whole, and in the case of a cabin passenger one-half, of the money paid by or on account of the passenger and of the members of his family relanded, from the person to whom the same was paid, or from the owner, charterer, or master of the ship, or any of them, at the option of the person recovering the same.

Bond to be given by master of emigrant ship.

309.—(1) Before any emigrant ship clears outwards or proceeds to sea, the master, together with the owner or charterer, or in the event of the owner or charterer being absent, or being the master, one other good and sufficient person approved by the chief officer of customs at the port of clearance, shall enter into a joint and several bond (in this Act referred to as the master's bond), in the sum of two thousand pounds, to the Crown.

(2) The bond shall be executed in duplicate, and shall not be liable to stamp duty.

(3) Where neither the owner nor the charterer of an emigrant ship resides in the British Islands, the bond shall be for the sum of five thousand instead of two thousand pounds, and shall contain an additional condition for the payment to the Crown, as a Crown debt, of all expenses incurred under this Act in rescuing, maintaining, and forwarding to their destination, any steerage passengers carried in the ship who by reason of shipwreck or any other cause, except their own neglect or default, are not conveyed by or on behalf of the owner, charterer, or master of the ship to their intended destination.

Annotations

Amendments:

Modifications (not altering text):

C97 Application of section extended (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 20(1)(2), commenced as per s. 86(2).

Power to allow continuing master's bond.

20. (1) The Board of Trade, on the application of the owner of any emigrant ship, may, by regulations made under this section, allow the master's bond required under section three hundred and nine of the principal Act, to be given, subject to such conditions as may be prescribed, in the form of a continuing bond as respects that ship.

(2) The Board of Trade may make regulations for the purpose of adapting the provisions of sections three hundred and nine and three hundred and ten of the principal Act to the case of a continuing bond, and for prescribing the conditions under which continuing bonds may be allowed in the case "of any ship".

...

Editorial Notes:

E154 The Board of Trade made regulations and prescribed forms and conditions for continuing bonds (2.09.1911) by *Merchant Shipping - 3. Passenger and Emigrant Ships - Master's Continuing Bonds* (S.R. & O. No. 877 of 1911, p. 244).

Evidence of bond.

310.—(1) Where an emigrant ship is bound to a British possession the chief officer of customs at the port of clearance shall certify on one part of the master's bond that it has been duly executed by the master of the ship and the other person bound, and shall forward the same to the governor of the said possession or to such person as the governor may appoint for that purpose.

(2) The certificate shall, in any court of a British possession in which the bond may be put in suit, be conclusive evidence of the due execution of the bond by the master and the other person bound, and it shall not be necessary to prove the handwriting of the officer of customs who signed the certificate, nor that he was at the time of signing it chief officer of customs at the port of clearance.

(3) Any such bond shall not be put in suit in a British possession after the expiration of three months next after the arrival of the ship in that possession, nor in the British Islands after the expiration of twelve months next after the return of the ship and of the master to the British Islands.

Annotations

Modifications (not altering text):

C98 Application of subs. (3) modified (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 20(3), commenced as per s. 86(2).

Power to allow continuing master's bond.

20.— ...

(2) The Board of Trade may make regulations for the purpose of adapting the provisions of sections three hundred and nine and three hundred and ten of the principal Act to the case of a continuing bond, and for prescribing the conditions under which continuing bonds may be allowed in the case "of any ship".

(3) Subsection (3) of section three hundred and ten of the principal Act shall have effect with respect to every voyage of the ship during the continuance of the bond, and references to the arrival of the ship and the return of the ship shall be construed as references to the arrival of the ship and the return of the ship after any voyage, so far as respects matters happening during or in connection with the voyage.

Editorial Notes:

E155 The Board of Trade made regulations and prescribed forms and conditions for continuing bonds (2.09.1911) by *Merchant Shipping - 3. Passenger and Emigrant Ships - Master's Continuing Bonds* (S.R. & O. No. 877 of 1911, p. 244).

Passengers Lists.

Passengers lists.

311.—(1) The master of every ship carrying steerage passengers on a voyage from the British Islands to any port out of Europe and not within the Mediterranean Sea, or on a colonial voyage as herein-before defined, shall, before demanding a clearance for his ship, sign in duplicate a passengers list, that is to say a list correctly setting forth the name and324. other particulars of the ship and of every passenger, whether cabin or steerage, on board thereof.

(2) The passengers lists shall be countersigned by the emigration officer if there is one at the port, and then delivered by the master to the officer of customs from whom a clearance is demanded, and that officer shall thereupon countersign and return to the master one duplicate (in this Part of this Act referred to as the "master's list"), and shall retain the other duplicate.

(3) If any requirement of this section to be observed by the master is not complied with in the case of any ship or any passengers list is wilfully false, the master of the ship shall for each offence be liable to a fine not exceeding one hundred pounds.

Annotations

Editorial Notes:

E156 A fine of £100 translates into a Class A fine, not exceeding €5,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 4, table ref. no. 8, S.I. No. 662 of 2010.

Lists of passengers embarked after clearance.

312.—(1) If at any time after the passengers list has been signed and delivered as aforesaid any additional passenger (whether cabin or steerage) is taken on board, the master shall add to the master's list, and also enter on a separate list signed by him the names and other particulars of every such additional passenger.

(2) The separate list shall be countersigned by the emigration officer, where there is one at the port, and shall, together with the master's list to which the addition has been made, be delivered to the chief officer of customs at the port, who shall thereupon countersign the master's list, and return the same to the master, and shall retain the separate list, and so on in like manner whenever any additional passenger is taken on board.

(3) If there is no officer of customs stationed at the port where an additional passenger is taken on board, the said lists shall be delivered to the officer of customs at the next port having such an officer at which the vessel arrives, to be dealt with as herein-before mentioned.

(4) When any additional passenger is taken on board the master shall, before the ship proceeds to sea, obtain a fresh certificate from the emigration officer of the port that all the requirements of this Part of this Act have been complied with.

(5) If any requirement of this section is not complied with in the case of any ship, the master of that ship shall for each offence be liable to a fine not exceeding fifty Pounds.

Annotations

Editorial Notes:

E157 A fine of £50 translates into a Class B fine, not exceeding €4,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 5, table ref. no. 8, S.I. No. 662 of 2010.

Attempt to gain passage without payment.

313.—(1) If a person is found on board an emigrant ship with intent to obtain a passage therein without the consent of the owner, charterer, or master thereof, he and any person aiding and abetting him, shall be liable to a fine not exceeding twenty pounds, and in default of payment to imprisonment for a period not exceeding three months, with or without hard labour.

(2) Any person so found on board may, without warrant, be taken before a justice of the peace to be dealt with according to law, and that justice may try the case in a summary manner.

Annotations

Editorial Notes:

E158 A fine of £20 translates into a Class C fine, not exceeding €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 6, table ref. no. 8, S.I. No. 662 of 2010.

Certificate for Clearance.

Certificate for clearance.

314.—(1) A ship fitted or intended for the carriage of steerage passengers as an emigrant ship shall not clear outwards or proceed to sea until the master has obtained from the emigration officer at the port of clearance a certificate for clearance, that is to say a certificate that all the requirements of this Part of this Act, so far as the same can be complied with before the departure of the ship, have been duly complied with, and that the ship is in his opinion seaworthy, in safe trim, and in all respects fit for her intended voyage, and that the steerage passengers and crew are in a fit state to proceed, and that the master's bond has been duly executed.

(2) If the emigration officer refuses to grant such certificate, the owner or charterer of the ship may appeal in writing to the Board of Trade, and that Board shall thereupon appoint any two other emigration officers or any two competent persons to examine into the matter at the expense of the appellant, and if the officers or persons so appointed grant the master of the ship under their joint hands a certificate to the same purport as the certificate for clearance, it shall be of the same effect as a certificate for clearance.

Facilities to be given for the inspection of ships.

315.—(1) The master of every ship, whether an emigrant ship or not, which is fitting or intended for the carriage of steerage passengers, or which carries steerage passengers on a voyage from the British Islands to any port out of Europe and not within the Mediterranean Sea, or on a colonial voyage as herein-before defined, shall afford to the emigration officer at any port in Her Majesty's dominions, and, in the case of British ships, to the British consular officer at any port elsewhere at which the ship is or arrives, every facility for inspecting the ship, and for communicating with the steerage passengers and for ascertaining that this Part of this Act, so far as applicable to the ship, has been duly complied with.

(2) If the master of any ship fails to comply with this section, he shall for each offence be liable to a fine not exceeding fifty pounds.

Annotations

Editorial Notes:

E159 A fine of £50 translates into a Class B fine, not exceeding €4,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 5, table ref. no. 8, S.I. No. 662 of 2010.

Ships putting back to replenish provisions, &c.

316.—(1) If any emigrant ship, after clearance, is detained in port for more than seven days, or puts into or touches at any port in the British Islands, she shall not proceed to sea again until—

(*a*) there has been laden on board, at the expense of the owner, charterer, or master of the ship, such further supply of pure water, wholesome provisions of the requisite kinds and qualities, and medical stores, as is necessary to make up the full quantities of those articles required under this Part of this Act to be laden on board for the intended voyage; and

(*b*) any damage which the ship has sustained has been effectually repaired; and

(*c*) the master of the ship has obtained from the emigration officer a certificate for clearance to the same effect as the certificate for clearance at her port of departure.

(2) If any requirement of this section is not complied with in the case of any emigrant ship, the master shall for each offence be liable to a fine not exceeding one hundred pounds.

Annotations

Editorial Notes:

E160 A fine of £100 translates into a Class A fine, not exceeding €5,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 4, table ref. no. 8, S.I. No. 662 of 2010.

Emigrant ships putting back to be reported to emigration officer.

317.—(1) If any emigrant ship, after clearance, puts into or touches at any port in the British Islands, the master shall, within twelve hours thereafter, report in writing his arrival, and the cause of his putting back and the condition of his ship and of her provisions, water, and medical stores to the emigration officer at the port, and shall produce to that officer the master's list of passengers.

(2) If the master of an emigrant ship fails to comply with this section, he shall for each offence be liable to a fine not exceeding twenty pounds.

Annotations

Editorial Notes:

E161 A fine of £20 translates into a Class C fine, not exceeding €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 6, table ref. no. 8, S.I. No. 662 of 2010.

Appeal to court of survey.

318.—(1) If the owner of an emigrant ship is aggrieved by the refusal by an emigration officer of a certificate for clearance, he may appeal to a court of survey for the port or district where the ship for the time being is in manner directed by the rules of that court.

(2) The judge of the court of survey shall report to the Board of Trade on the question raised by the appeal, and that Board, if satisfied that the requirements of the report and of this Part of this Act have been complied with, may grant or direct the emigration officer to grant a certificate for clearance.

(3) Subject to any order made by the judge of the court of survey, the costs of and incidental to the appeal shall follow the event.

(4) Where a survey of a ship is made for the purpose of a certificate for clearance, the person so appointed to make the survey shall, if so required by the owner, be accompanied on the survey by some person appointed by the owner, and in such case if the said two persons agree there shall be no appeal to the court of survey in pursuance of this section.

Forfeiture of ship proceeding to sea without certificate for clearance.

319.—(1) If any emigrant ship—

(*a*) proceeds to sea without the master having obtained the certificate for clearance; or

(*b*) having proceeded to sea, puts into any port in the British Islands in a damaged state, and leaves or attempts to leave that port with steerage passengers on board without the master having obtained the proper certificate for clearance;

that ship shall be forfeited to the Crown, and may be seized by any officer of customs if found within two years from the commission of the offence in any port in Her Majesty's dominions, and shall thereupon be dealt with as if she had been seized as forfeited under the laws relating to the customs.

(2) The Board of Trade may release, if they think fit, any such forfeited ship, on payment, to the use of the Crown, of such sum not exceeding two thousand pounds as the Board specify.

Passengers Contracts.

Contract tickets for passengers.

320.—(1) If any person, except the Board of Trade and persons acting for them and under their direct authority, receives money from any person for or in respect of a passage as a steerage passenger in any ship, or of a passage as a cabin passenger in any emigrant ship, proceeding from the British Islands to any port out of Europe and not within the Mediterranean Sea, he shall give to the person paying the same a contract ticket signed by or on behalf of the owner, charterer, or master of the ship, and printed in plain and legible characters.

(2) The contract ticket shall be in a form approved by the Board of Trade and published in the London Gazette, and any directions contained in that form of contract ticket not being inconsistent with this Act shall be obeyed as if set forth in this section.

(3) If any person fails to comply with any requirement of this section, he shall for each offence be liable to a fine not exceeding fifty pounds.

(4) Contract tickets under this section shall not be liable to stamp duty.

Annotations

Modifications (not altering text):

C99 Reference to the London Gazette construed (23.12.1927) by *Merchant Shipping Act, 1894, Adaptation (No. 2) Order 1927* (S.R. & O. No. 106 of 1927), art. 3.

3. The references to the London Gazette contained in the Merchant Shipping Act, 1894 (other than the reference thereto contained in subsection (2) of section 738 and the reference thereto contained in section 740 of the said Act) shall be construed as references to the Iris Oifigiúil and the said Act shall have effect accordingly.

Editorial Notes:

E162 A fine of £50 translates into a Class B fine, not exceeding €4,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 5, table ref. no. 8, S.I. No. 662 of 2010.

Summary remedy for breach of contract.

321.—(1) Any question which arises respecting the breach or non-performance of any stipulation in any such contract ticket may, at the option of any passenger interested, whether a steerage or a cabin passenger, be tried before a court of summary jurisdiction, and the court may award to the complainant such damages and costs as they think just, not exceeding the amount of the passage money specified in the contract ticket and twenty pounds in addition.

(2) But if a passenger has obtained compensation or redress under any other provision of this Act, he shall not be entitled to recover damages under this section in respect of the same matter.

Penalty for failure to produce contract ticket.

322.—If a passenger whether a steerage or a cabin passenger fails, without reasonable cause, on demand of any emigration officer, to produce his contract ticket, and if any owner, charterer, or master of a ship, on like demand, fails without reasonable cause to produce for the inspection of such emigration officer and for the

purposes of this Act the counterpart of any contract ticket issued by him or on his behalf, the passenger, owner, charterer, or master, as the case may be, shall for each offence be liable to a fine not exceeding ten pounds.

Annotations

Editorial Notes:

E163 A fine of £10 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

Penalty for altering, or inducing any one to part with, contract ticket.

323.—If any person, after the issue of a contract ticket and during the continuance of the contract of which that ticket is evidence, alters that ticket, or induces any person to part with it, or renders useless, or destroys it, he shall (except it is the contract ticket of a cabin passenger who consents) for each offence be liable to a fine not exceeding twenty pounds.

Annotations

Editorial Notes:

E164 A fine of £20 translates into a Class C fine, not exceeding €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 6, table ref. no. 8, S.I. No. 662 of 2010.

Regulations as to Steerage Passengers.

Sanitary and other regulations by Order in Council.

324.—Her Majesty may by Order in Council make regulations—

(i) for preserving order, promoting health, and securing cleanliness and ventilation on board emigrant ships proceeding from the British Islands to any port in a British possession; and

(ii) for prohibiting emigration from any port at any time when choleraic or any epidemic disease is generally prevalent in the British Islands or any part thereof; and

(iii) for reducing the number of steerage passengers allowed to be carried in any emigrant ship, either generally or from any particular ports in the British Islands; and

(iv) for permitting the use on board emigrant ships of apparatus for distilling water and for defining in such case the quantity of fresh water to be carried in tanks and casks for the steerage passengers under the foregoing provisions of this Part of this Act; and

(v) for requiring duly authorised medical practitioners to be carried in emigrant ships where they would not otherwise under this Part of this Act be required to be carried.

Discipline on board.

325.—(1) In every emigrant ship the medical practitioner aided by the master or, in the absence of the medical practitioner, the master, shall exact obedience to all regulations made by any such Order in Council as aforesaid.

(2) If any person on board—

(*a*) fails without reasonable cause to obey, or offends against, any such regulation or any provision of this Part of this Act, or

(*b*) obstructs the master or medical practitioner in the execution of any duty imposed upon him by any such regulation, or

(*c*) is guilty of riotous or insubordinate conduct,

that person shall for each offence be liable to a fine not exceeding two pounds, and in addition to imprisonment for any period not exceeding one month.

Annotations

Editorial Notes:

E165 A fine of £2 translates into a Class E fine, not exceeding €500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 8, table ref. no. 8, S.I. No. 662 of 2010.

Sale of spirits prohibited on emigrant ships.

326.—(1) Spirits shall not during the voyage be sold directly or indirectly in any emigrant ship to any steerage passenger.

(2) If any person acts in contravention of this section, he shall for each offence be liable to a fine not exceeding twenty pounds.

Annotations

Editorial Notes:

E166 A fine of £20 translates into a Class C fine, not exceeding €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 6, table ref. no. 8, S.I. No. 662 of 2010.

Maintenance after Arrival.

Maintenance of steerage passengers after arrival.

327.—(1) Every steerage passenger in an emigrant ship shall be entitled for at least forty-eight hours next after his arrival at the end of his voyage to sleep in the ship, and to be provided for and maintained on board thereof, in the same manner as during the voyage, unless within that period the ship leaves the port in the further prosecution of her voyage.

(2) If this section is not complied with in the case of any emigrant ship, the master shall for each offence be liable to a fine not exceeding five pounds.

Annotations

Editorial Notes:

E167 A fine of £5 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

Detention and Wrongful Landing of Passengers.

Return of passage money and compensation to passengers when passage not provided according to contract.

328.—Where a contract has been made by or on behalf of any steerage passenger for a passage in a ship proceeding on a voyage from the British Islands to any port out of Europe and not within the Mediterranean Sea, or proceeding on any colonial voyage as defined by this Part of this Act, and—

F155**[** (i) The steerage passenger is at the place of embarkation before the hour appointed in his contract, or if no hour is appointed in the contract, before

any hour fixed for the embarkation of which he has received not less than twenty-four hours notice; and**]**

(ii) the stipulated passage money has, if required, been paid,

then if the steerage passenger from any cause whatever (other than his own refusal, neglect, or default, or the prohibition under this Act of an emigration officer, or the requirement of an Order in Council),

(*a*) is not received on board the ship before the said hour; or,

(*b*) having been received on board, does not either obtain a passage in the ship to the port at which he has contracted to land or, together with all the immediate members of his family who are included in the contract, obtain a passage to the same port in some other equally eligible ship to sail within ten days from the expiration of the said day of embarkation, and is not paid subsistence money from the time and at the rate herein-after provided;

the steerage passenger or any emigration officer on his behalf, may recover summarily all money paid by or on account of the steerage passenger for his passage, together with such further sum not exceeding ten pounds in respect of each such steerage passenger as is in the opinion of the court a reasonable compensation for the loss or inconvenience occasioned to the steerage passenger by the loss of his passage, and such money and sum may be recovered, either from any person to whom or on whose account any money has been paid under the contract, or if the contract has been made with the owner, charterer, or master of the ship, or with any person acting on behalf or by the authority of any of them, then, at the option of the steerage passenger or emigration officer, from the owner, charterer, or master, or any of them.

Annotations

Amendments:

F155 Substituted (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 19, commenced as per s. 86(2).

Subsistence in case of detention.

329.—(1) If any ship, whether an emigrant ship or otherwise, does not actually put to sea and proceed on her intended voyage before three o'clock in the afternoon of the day next after the day of embarkation appointed in the contract, the owner, charterer, or master of the ship, or his agent, or any of them shall, until the ship finally proceeds on her voyage, pay to every steerage passenger entitled to a passage in the ship, or (if the steerage passenger is lodged and maintained in any hulk or establishment under the superintendence of the Board of Trade) to the emigration officer at the port of embarkation, subsistence money at the following rate; (that is to say,)

(*a*) For each of the first ten days of detention, one shilling and sixpence; and

(*b*) For every subsequent day, three shillings for each statute adult.

(2) Where the steerage passengers are maintained on board in the same manner as if the voyage had commenced—

(*a*) Subsistence money shall not be payable for the first two days next after the said day of embarkation, and

(*b*) If the ship is unavoidably detained by wind or weather, or by any cause not attributable in the opinion of the emigration officer to the act or default of the owner, charterer, or master, subsistence money shall not be payable during any part of that period of detention.

Penalty for landing steerage passengers at wrong place.

330.—If a steerage passenger is landed from any ship, whether an emigrant ship or not, at any port other than the port at which he has contracted to land, unless with his previous consent, or unless the landing is rendered necessary by perils of the sea or other unavoidable accident, the master of the ship shall for each offence be liable to a fine not exceeding fifty pounds.

Annotations

Editorial Notes:

E168 A fine of £50 translates into a Class B fine, not exceeding €4,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 5, table ref. no. 8, S.I. No. 662 of 2010.

Provisions in case of Wreck.

Provisions in case of an emigrant ship being wrecked or damaged in or near British Islands.

331.—(1) When any emigrant ship—

(*a*) has, while in any port of the British Islands, or after the commencement of the voyage, been wrecked or otherwise rendered unfit to proceed on her intended voyage, and any steerage passengers have been brought back to any port in the British Islands; or

(*b*) has put into any port in the British Islands in a damaged state;

the master, charterer, or owner of that ship shall, within forty-eight hours thereafter, give to the nearest emigration officer a written undertaking to the following effect; (that is to say,)

(i) If the ship has been wrecked or rendered unfit to proceed on her voyage, that the owner, charterer, or master thereof will embark and convey the steerage passengers in some other eligible ship, to sail within six weeks from the date of the undertaking, to the port for which their passage had been taken:

(ii) If the ship has put into port in a damaged state, that she will be made seaworthy and fit in all respects for her intended voyage, and will within six weeks from the date of the undertaking sail again with the steerage passengers.

(2) In either of the above cases, the owner, charterer, or master shall, until the steerage passengers proceed on their voyage, either lodge and maintain them on board in the same manner as if they were at sea, or pay either to the steerage passengers, or (if they are lodged and maintained in any hulk or establishment under the superintendence of the Board of Trade) to the emigration officer at the port, subsistence money at the rate of one shilling and sixpence a day for each statute adult.

(3) If the substituted ship, or the damaged ship, as the case may be, does not sail within the above-mentioned time, or if default is made in compliance with any requirement of this section, any steerage passenger or any emigration officer on his behalf may recover summarily all money paid by or on account of the passenger for the passage from the person to whom or on whose account the same was paid, or from the owner, charterer, or master of the ship, at the option of the passenger or emigration officer.

(4) The emigration officer may, if he thinks it necessary, direct that the steerage passengers be removed from any damaged emigrant ship at the expense of the master thereof, and if after that direction any steerage passenger refuses to leave the ship, he shall for each offence be liable to a fine not exceeding forty shillings, or to imprisonment not exceeding one month.

Annotations

Editorial Notes:

E169 A fine of 40 shillings or £2 translates into a Class E fine, not exceeding €500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 8, table ref. no. 8, S.I. No. 662 of 2010.

Expenses of rescue and conveyance of wrecked passengers.

332.—If any passenger, whether a cabin or a steerage passenger, is either taken off any ship which is carrying any steerage passenger on a voyage from any part of Her Majesty's dominions and is damaged, wrecked, sunk, or otherwise destroyed, or if any such passenger is picked up at sea from any boat, raft, or otherwise, it shall be lawful—

(*a*) if the port to which such passenger (in this Act referred to as a "wrecked passenger") is conveyed is in the United Kingdom, for a Secretary of State; and

(*b*) if the port is in a British possession for the governor of that possession, or any person authorised by him for the purpose; and

(*c*) if the port is elsewhere, for the British consular officer there;

to defray all or any part of the expenses thereby incurred.

Forwarding of passengers by governors or consuls.

333.—(1) If any passenger whether a cabin or a steerage passenger from any ship which is carrying any steerage passenger on a voyage from any port in Her Majesty's dominions finds himself without any neglect or default of his own at any port outside the British Islands other than the port for which the ship was originally bound, or at which he, or the Board of Trade, or any public officer or other person on his behalf, has contracted that he should land, it shall be lawful—

(*a*) if the place is in a British possession, for the governor of that possession, or any person authorised by the governor for the purpose; and

(*b*) if the place is elsewhere, for the British consular officer there;

to forward the passenger to his intended destination, unless the master of the ship, within forty-eight hours of the arrival of the passenger, gives to the governor or consular officer, as the case may be, a written undertaking to forward or convey within six weeks thereafter the passenger to his original destination, and forwards or conveys him accordingly within that period.

(2) A passenger so forwarded by or by the authority of a governor or a British consular officer shall not be entitled under this Part of this Act to the return of his passage money, or to any compensation for loss of passage.

Recovery of expenses incurred in conveying wrecked passengers and forwarding passengers.

334.— (1) All expenses incurred under this Part of this Act by or by the authority of a Secretary of State, governor of a British possession, or consular officer, in respect of a wrecked passenger, or forwarding of a passenger to his destination, including the cost of maintaining the passenger, until forwarded to his destination, and of all necessary bedding, provisions, and stores, shall be a joint and several debt to the Crown from the owner, charterer, and master of the ship on board of which the passenger had embarked.

(2) In any proceeding for the recovery of that debt a certificate purporting to be under the hand of a Secretary of State, governor, or consular officer, and stating the circumstances of the case, and the total amount of the expenses, shall be admissible in evidence in manner provided by this Act, and shall be sufficient evidence of the amount of the expenses, and of the fact that the same were duly incurred, unless the

defendant specially pleads and duly proves that the certificate is false and fraudulent, or that the expenses were not duly incurred under this Act.

(3) The sum recovered on account of the expenses shall not exceed twice the total amount of passage money which the owner, charterer, or master of the emigrant ship proves to have been received by him or on his account, or to be due to and recoverable by him or on his account in respect of the whole number of passengers whether cabin or steerage who embarked in the ship.

Validity of insurance of passage money.

335.—A policy of assurance effected in respect of any steerage passage or of any steerage passage or compensation money by any person by this Part of this Act made liable, in the events aforesaid, to provide such passage or to pay such money, or in respect of any other risk under this Part of this Act, shall not be invalid by reason of the nature of the risk or interest sought to be covered by the policy of assurance.

Voyages to the United Kingdom.

List of steerage passengers brought to the British Islands.

336.—(1) The master of every ship bringing steerage passengers to the British Islands from any port out of Europe and not within the Mediterranean Sea shall, within twenty-four hours after arrival, deliver to the emigration officer at the port of arrival a correct list, signed by the master, and specifying the name, age, and calling of every steerage passenger embarked, and the port at which he embarked, and showing also any birth which has occurred amongst the steerage passengers, and if any steerage passenger has died, his name and the supposed cause of his death.

(2) If the master of a ship fails so to deliver the list, or if the list is wilfully false, he shall for each offence be liable to a fine not exceeding fifty pounds.

Annotations

Editorial Notes:

E170 A fine of £50 translates into a Class B fine, not exceeding €4,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 5, table ref. no. 8, S.I. No. 662 of 2010.

Number of steerage passengers on ships bringing passengers to British Islands.

337.—If any ship bringing steerage passengers to the British Islands from any port out of Europe and not within the Mediterranean Sea has on board a greater number of steerage passengers than is allowed by this Act in the case of emigrant ships proceeding from the British Islands, the master of that ship shall, for each statute adult constituting such excess, be liable to a fine not exceeding ten pounds.

Annotations

Editorial Notes:

E171 A fine of £10 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

Provisions and water in ships carrying steerage passengers to British Islands.

338.—(1) The master of every ship bringing steerage passengers to the British Islands from any port out of Europe and not within the Mediterranean Sea shall issue to each steerage passenger during the voyage, including the time of detention, if any, at any port before the termination thereof, pure water and good and wholesome provisions in a sweet condition, in quantities not less than the amount required by this Part of this Act in the case of emigrant ships proceeding from the British Islands.

(2) If any requirement of this section is not complied with in the case of any emigrant ship, the master of that ship shall for each offence be liable to a fine not exceeding fifty pounds.

Annotations

Editorial Notes:

E172 A fine of £50 translates into a Class B fine, not exceeding €4,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 5, table ref. no. 8, S.I. No. 662 of 2010.

Registration of Births and Deaths.

Application to foreign ships carrying passengers of provisions respecting registration of births and deaths.

339.—Where a ship which is not a British ship carries passengers, whether cabin or steerage, to or from any port of the United Kingdom as the port of destination or the port of departure of such ship, the provisions of Part Two of this Act with respect to the registration of births and deaths occurring on board, shall apply as if it were a British ship.

Saving of Right of Action.

Saving for right of action on contract for passage.

340.—Nothing in this Part of this Act shall take away or abridge any right of action which may accrue to a steerage passenger in any ship, or to any other person, in respect of the breach or non-performance of any contract made between, or on behalf of, such steerage passenger or other person and the master, charterer, or owner of any such ship, or his agent, or any passage broker.

Passage Brokers.

Passage broker.

341.—(1) Any person who sells or lets or agrees to sell or let, or is anywise concerned in the sale or letting of steerage passages in any ship proceeding from the British Islands to any place out of Europe not within the Mediterranean Sea shall for the purposes of this Part of this Act be a passage broker.

(2) The acts and defaults of any person acting under the authority, or as an agent, of a passage broker, shall, for the purposes of this Act, be deemed to be also the acts and defaults of the passage broker.

Annotations

Modifications (not altering text):

C100 Application of section extended (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 23, commenced as per s. 86(2).

Sale of steerage passages.

23. The provisions of Part III of the principal Act, relating to passage brokers, shall apply to any person who at any place in the British Islands sells or lets, or agrees to sell or let, or is anywise concerned in the sale or letting of, steerage passages from any place in Europe not within the Mediterranean Sea.

Passage brokers to enter into bond and obtain licence.

342.— (1) A person shall not act directly or indirectly as a passage broker, unless he—

(*a*) has entered, with two good and sufficient sureties approved by the emigration officer nearest to his place of business, into a joint and several bond to the Crown, in the sum of one thousand pounds; and

(*b*) holds a licence for the time being in force to act as passage broker.

(2) The bond shall be renewed on each occasion of obtaining a licence, and shall not be liable to stamp duty; it shall be executed in duplicate, and one part shall be deposited at the office of the Board of Trade, and the other part with the said emigration officer.

(3) The emigration officer may, in lieu of two securities, accept the bond of any guarantee society approved by the Treasury.

(4) There shall be exempted from this section—

(*a*) the Board of Trade, and any person contracting with them or acting under their authority; and

(*b*) any passage broker's agent duly appointed under this Act.

(5) If any person fails to comply with any requirement of this section, he shall for each offence be liable to a fine not exceeding fifty pounds.

Annotations

Modifications (not altering text):

C101 Application of section extended (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 23, commenced as per s. 86(2).

Sale of steerage passages.

23. The provisions of Part III of the principal Act, relating to passage brokers, shall apply to any person who at any place in the British Islands sells or lets, or agrees to sell or let, or is anywise concerned in the sale or letting of, steerage passages from any place in Europe not within the Mediterranean Sea.

Editorial Notes:

E173 A fine of £50 translates into a Class B fine, not exceeding €4,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 5, table ref. no. 8, S.I. No. 662 of 2010.

Granting of licences to passage brokers.

343.—(1) Application for a licence to act as passage broker shall be made to the licensing authority for the place in which the applicant has his place of business.

(2) The licensing authority, upon the applicant proving to their satisfaction that he—

(*a*) has entered into and deposited one part of such bond as is required by this Act; and

(*b*) has given to the Board of Trade at least fourteen days clear notice of his intention to apply for a licence,

may grant the licence, and shall forthwith send to the Board of Trade notice of such grant.

(3) The licensing authority shall be—

(*a*) in the administrative county of London the justices of the peace at petty sessions;

(*b*) elsewhere in England, the council of a county borough or county district;

(*c*) in Scotland, the sheriff; and

(*d*) in Ireland, the justices in petty sessions.

Annotations

Modifications (not altering text):

C102 Application of section extended (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 23, commenced as per s. 86(2).

Sale of steerage passages.

23. The provisions of Part III of the principal Act, relating to passage brokers, shall apply to any person who at any place in the British Islands sells or lets, or agrees to sell or let, or is anywise concerned in the sale or letting of, steerage passages from any place in Europe not within the Mediterranean Sea.

Forfeiture of licence.

344.—(1) A passage broker's licence shall, unless forfeited, remain in force until the thirty-first day of December in the year in which it is granted, and for thirty-one days afterwards.

(2) Any court, when convicting a passage broker of an offence under this Part of th is Act or of any breach or non-performance of the requirements thereof, may order that his licence be forfeited, and the same shall be forfeited accordingly.

(3) The court shall forthwith send to the Board of Trade a notice of any such order.

Annotations

Modifications (not altering text):

C103 Application of section extended (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 23, commenced as per s. 86(2).

Sale of steerage passages.

23. The provisions of Part III of the principal Act, relating to passage brokers, shall apply to any person who at any place in the British Islands sells or lets, or agrees to sell or let, or is anywise concerned in the sale or letting of, steerage passages from any place in Europe not within the Mediterranean Sea.

Passage brokers agents.

345.—(1) A passage broker shall not employ as an agent in his business of passage broker any person who does not hold from him an appointment, signed by the passage broker, and counter-signed by the emigration officer at the port nearest to the place of business of the passage broker.

(2) Every such agent shall, upon request, produce his appointment to any emigration officer, or to any person treating for a steerage passage under this Part of this Act.

(3) If any person acts in contravention of this section he shall for each offence be liable to a fine not exceeding fifty pounds.

Annotations

Modifications (not altering text):

C104 Application of section extended (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 23, commenced as per s. 86(2).

Sale of steerage passages.

23. The provisions of Part III of the principal Act, relating to passage brokers, shall apply to any person who at any place in the British Islands sells or lets, or agrees to sell or let, or is anywise concerned in the sale or letting of, steerage passages from any place in Europe not within the Mediterranean Sea.

Editorial Notes:

E174 A fine of £50 translates into a Class B fine, not exceeding €4,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 5, table ref. no. 8, S.I. No. 662 of 2010.

List of agents and runners to be exhibited by brokers, and sent to emigration officers.

346.—(1) A passage broker shall keep exhibited in some conspicuous place in his office or place of business a correct list, in legible characters, containing the names and addresses in full of every person for the time being authorised to act as his agent or as an emigrant runner for him, and shall on or before the fifth day, or, if that day be a Sunday, on or before the fourth day in every month, transmit a true copy of that list, signed by him, to the emigration officer nearest to his place of business, and shall report to that emigration officer every discharge or fresh engagement of an agent or of an emigrant runner within twenty-four hours of the same taking place.

(2) If a passage broker fails to comply with any requirement of this section he shall for each offence be liable to a fine not exceeding five pounds.

Annotations

Modifications (not altering text):

C105 Application of section extended (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 23, commenced as per s. 86(2).

Sale of steerage passages.

23. The provisions of Part III of the principal Act, relating to passage brokers, shall apply to any person who at any place in the British Islands sells or lets, or agrees to sell or let, or is anywise concerned in the sale or letting of, steerage passages from any place in Europe not within the Mediterranean Sea.

Editorial Notes:

E175 A fine of £50 translates into a Class B fine, not exceeding €4,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 5, table ref. no. 8, S.I. No. 662 of 2010.

Emigrant Runners.

Emigrant runner.

347.—If any person other than a licensed passage broker or his bonâ fide salaried clerk, in or within five miles of the outer boundaries of any port, for hire or reward or the expectation thereof directly or indirectly conducts, solicits, influences, or recommends any intending emigrant to or on behalf of any passage broker, or any owner charterer or master of a ship, or any keeper of a lodging-house tavern or shop, or any money changer or other dealer or chapman, for any purpose connected with the preparations or arrangements for a passage, or gives or pretends to give to any intending emigrant any information or assistance in any way relating to emigration, that person shall for the purposes of this Part of this Act be an emigrant runner.

Emigrant runner's licence.

348.—(1) The licensing authority for passage brokers for the place in which a person wishes to act as an emigrant runner, and to carry on his business, may, upon his application and on the recommendation in writing of an emigration officer, or of the chief constable or other head officer of police in such place (but not otherwise), grant, if they think fit, to the applicant a licence to act as emigrant runner.

(2) The emigrant runner shall, within forty-eight hours after his licence is granted, lodge the same with the nearest emigration officer, and that officer shall—

(*a*) register the name and abode of the emigrant runner in a book to be kept for the purpose, and number each name in arithmetical order; and

(*b*) upon receipt of a fee, not exceeding seven shillings, supply to the emigrant runner a badge of such form and description as the Board of Trade approve,

but in case of a renewed licence, the officer need only note the renewal and its date in his registry book against the original entry of the emigrant runner's name.

(3) An emigrant runner's licence shall remain in force until the thirty-first day of December in the year in which it is granted, unless sooner revoked by any justice for any offence against this Act or for any other misconduct committed by the holder of such licence, or unless forfeited under the provisions herein-after contained.

(4) When an emigrant runner changes his abode, the emigration officer shall register the change in his registry book.

Renewal of badge.

349.—Where an emigrant runner, either satisfies the emigration officer for the port in which he is licensed to act that his badge is lost, or delivers his badge up to such officer in a mutilated or defaced state, and in either case pays such officer five shillings, the officer may, if he thinks fit, supply him with a new badge.

Penalties on persons acting without licence or badge, using badge not lawfully issued, or employing unlicensed person.

350.—(1) A person shall not—

(*a*) act as an emigrant runner without being duly licensed and registered; or

(*b*) retain or use any emigrant runner's badge not issued to him in manner by this Act required; or

(*c*) counterfeit or forge any emigrant runner's badge; or

(*d*) employ as an emigrant runner any person not duly licensed and registered.

(2) If any person acts in contravention of this section, he shall for each offence be liable to a fine not exceeding five pounds.

Annotations

Editorial Notes:

E176 A fine of £5 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

Penalties on emigrant runners for certain acts of misconduct.

351.—(1) An emigrant runner—

(*a*) shall while acting as an emigrant runner wear his badge conspicuously on his breast; and

(*b*) shall lodge his licence with the emigration officer as required by this Act; and

(*c*) on changing his abode, shall within forty-eight hours give notice of the change to the emigration officer of the port in which he is licensed to act; and

(*d*) on losing his badge shall within forty-eight hours give notice to such emigration officer of the loss; and

(*e*) shall produce on demand his badge for inspection, or permit any person to take the number thereof; and

(*f*) shall not mutilate or deface his badge; and

(*g*) shall not wear his badge while unlicensed; and

(*h*) shall not wear any other badge than that delivered to him by the emigration officer; and

(*i*) shall not permit any other person to use his badge.

(2) If an emigrant runner fails to comply with any requirement of this section, he shall for each offence be liable to a fine not exceeding forty shillings, and, if the court think fit, to the forfeiture of his licence.

Annotations

Editorial Notes:

E177 A fine of 40 shillings or £2 translates into a Class E fine, not exceeding €500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 8, table ref. no. 8, S.I. No. 662 of 2010.

Emigrant runners commission and fees.

352.—(1) An emigrant runner shall not be entitled to recover from a passage broker any fee commission or reward for or in consideration of any service connected with emigration, unless he is acting under the written authority of that passage broker.

(2) An emigrant runner shall not take or demand from any person about to emigrate any fee or reward for procuring his steerage passage, or in any way relating thereto, and if he does so he shall for each offence be liable to a fine not exceeding five pounds.

Annotations

Editorial Notes:

E178 A fine of £5 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

Frauds in procuring Emigration.

Frauds in procuring passages.

F156**[353.**—If any person, by any false representation, fraud, or false pretence, induces or attempts to induce any person to emigrate or to engage a steerage passage in any ship, he shall for each offence be liable on summary conviction to a fine not exceeding fifty pounds, or to imprisonment with or without hard labour for a period not exceeding three months.**]**

Annotations

Amendments:

F156 Substituted (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 24, commenced as per s. 86(2).

Editorial Notes:

E179 A fine of £50 translates into a Class B fine, not exceeding €4,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 5, table ref. no. 8, S.I. No. 662 of 2010.

Penalties for fraud in connexion with assisting emigration.

354.—If any person—

(*a*) falsely represents himself to be, or falsely assumes to act as, agent of the Board of Trade in assisting persons who desire to emigrate; or

(*b*) sells any form of application, embarkation order, or other document or paper issued by the Board of Trade or by a Secretary of State for the purpose of assisting persons who desire to emigrate; or

(*c*) makes any false representation in any such application for assistance to the Board of Trade or a Secretary of State, or in any certificate of marriage, birth, or baptism, or other document or statement adduced in support of any such application; or

(*d*) forges or fraudulently alters any signature or statement in any such application, certificate, document, or statement, or personates any person named therein; or

(*e*) aids or abets any person in committing any of the foregoing offences;

that person shall, for each offence, be liable to a fine not exceeding fifty pounds.

Annotations

Editorial Notes:

E180 A fine of £50 translates into a Class B fine, not exceeding €4,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 5, table ref. no. 8, S.I. No. 662 of 2010.

Emigration Officers.

Emigration officers and assistants.

355.—(1) In the British Islands the Board of Trade, and in a British possession the governor of that possession, may appoint and remove such emigration officers and assistant emigration officers as seem necessary for carrying this Part of this Act into execution, under the direction of the Board or governor, as the case may be.

(2) All powers, functions, and duties, to be exercised or performed, and anything to be done in pursuance of this Part of this Act by, to, or before an emigration officer, may be exercised, performed, and done by, to, or before his assistant, or, at any port where there is no emigration officer or assistant, or in their absence, by, to, or before the chief officer of customs for the time being at such port, and in any such case it shall be the duty of the chief officer of customs to do anything which it is the duty of the emigration officer or his assistant to do.

(3) A person lawfully acting as an emigration officer under this Act shall in no case be personally liable for the payment of any money or costs or otherwise in respect of any contract made, or of any legal proceedings for anything done, by him in his official capacity as an emigration officer and on the public service.

Legal Proceedings.

Recovery of fines.

356.—All fines and forfeitures under the provisions of this Part of this Act (other than the provisions relating to passenger steamers only) shall be sued for by the following officers; (that is to say,)

(*a*) Any emigration officer;

(*b*) Any chief officer of customs; and also

(*c*) In the British Islands, any person authorised by the Board of Trade and any officer of customs authorised by the Commissioners of Customs; and

(*d*) In a British possession any person authorised by the governor of that possession, or any officer of customs authorised by the Government department regulating the customs in that possession.

Recovery of passage and subsistence money, compensation, and damages.

357.—All sums of money made recoverable by this Part of this Act in respect of passage money, subsistence money, damages, compensation, or costs may be sued for and recovered before a court of summary jurisdiction by any person entitled thereto, or by any of the officers in the last preceding section mentioned on behalf of any one or more of such persons, and in any case either by one or several proceedings.

Protection of persons executing Act. 56 & 57 Vict. c. 61.

358.—The Public Authorities Protection Act, 1893, shall for the purposes of the provisions of this Part of this Act (other than the provisions relating to passenger steamers only) apply to the whole of Her Majesty's dominions, and to every place where Her Majesty has jurisdiction.

Supplemental.

Owner responsible for default in absence of agreement

359.—(1) In the absence of any agreement to the contrary, the owner of a ship shall be the person ultimately responsible as between himself and the other persons by this Part of this Act made liable in respect of any default in complying with any requirement thereof.

(2) If any person so made liable pays any money by this Part of this Act made payable to or on behalf of a steerage passenger, he shall be entitled, in the absence of any such, agreement as aforesaid, to sue for and recover from the owner the amount so paid, together with costs.

Forms and fees.

360.—(1) The forms set out in the Fourteenth Schedule to this Act, or forms as near thereto as circumstances admit, shall be used in all cases to which such forms are applicable.

(2) Such fees as the Board of Trade determine shall be paid in respect of the surveys of emigrant ships mentioned in Part II. of the Ninth Schedule to this Act not exceeding those specified therein.

(3) If any person employed under this Part of this Act demands or receives, directly or indirectly, otherwise than by the direction of the Board of Trade, any fee, remuneration, or gratuity whatever in respect of any duty performed by him under this Part of this Act, he shall for each offence be liable to a fine not exceeding fifty pounds.

Annotations

Editorial Notes:

E181 A fine of £50 translates into a Class B fine, not exceeding €4,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 5, table ref. no. 8, S.I. No. 662 of 2010.

Posting of abstracts of Part III. in emigrant ships.

361.—(1) The Board of Trade shall prepare such abstracts as they think proper of all or any of the provisions of this Part of this Act, and of any Order in Council made thereunder, and four copies of the abstracts, together with a copy of this Part of this Act, shall, on demand, be supplied by the chief officer of customs at the port of clearance to the master of every emigrant ship proceeding from the British Islands to any British possession.

(2) The master shall, on request, produce a copy of this Part of this Act to any steerage passenger for his perusal, and shall, before the embarkation of the steerage passengers, post copies of the abstracts in at least two conspicuous places between the decks on which steerage passengers may be carried, and shall keep them posted so long as any steerage passenger is entitled to remain in the ship.

(3) The master shall be liable to a fine not exceeding forty shillings for every day during any part of which by his act or default such copies of the abstracts fail to be so posted.

(4) If any person displaces or defaces any copy of the abstracts posted under this section he shall for each offence be liable to a fine not exceeding forty shillings.

Annotations

Editorial Notes:

E182 A fine of 40 shillings or £2 translates into a Class E fine, not exceeding €500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 8, table ref. no. 8, S.I. No. 662 of 2010.

Byelaws by harbour authority.

362.—(1) The authority having the control of any docks or basins at any port in the British Islands from which emigrant ships are despatched, may, with the approval of a Secretary of State, make byelaws—

(*a*) for specifying the docks, basins, or other places at which persons arriving by sea at the port for the purpose of emigration, or actually emigrating therefrom, shall be landed and embarked;

(*b*) for regulating the mode of their landing and embarkation;

(*c*) for the storing and safe custody of their luggage;

(*d*) for licensing porters to carry their luggage or otherwise attend upon them; and

(*e*) for admitting persons to and excluding persons from access to the docks and basins.

(2) The authority may attach a fine not exceeding five pounds to a breach of any such byelaw, and instead of an emigration officer the authority shall sue for and recover the fine.

(3) The authority making a byelaw under this section may, by their officers or servants or by any constable, arrest without warrant any person charged with a breach of the byelaw, and detain him until he can be brought before a justice of the peace, and that justice may try the case in a summary manner.

(4) A byelaw made under this section shall be published in the London Gazette.

Annotations

Modifications (not altering text):

C106 Reference to the London Gazette construed (23.12.1927) by *Merchant Shipping Act, 1894, Adaptation (No. 2) Order 1927* (S.R. & O. No. 106 of 1927), art. 3.

3. The references to the London Gazette contained in the Merchant Shipping Act, 1894 (other than the reference thereto contained in subsection (2) of section 738 and the reference thereto contained in section 740 of the said Act) shall be construed as references to the Iris Oifigiúil and the said Act shall have effect accordingly.

Editorial Notes:

E183 A fine of £5 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

Exemption from survey of foreign passenger steamer or emigrant ship in certain cases.

363.—Where a foreign ship is a passenger steamer or emigrant ship within the meaning of this Part of this Act, and the Board of Trade are satisfied, by the production of a foreign certificate of survey attested by a British consular officer at a port out of Her Majesty's dominions, that the ship has been officially surveyed at that port, and are satisfied that any requirements of this Act are proved by that survey to have been substantially complied with, the Board may, if they think fit, dispense with any further survey of the ship in respect of any requirement so complied with, and grant or direct one of their officers to grant a certificate, which shall have the same effect as if given upon survey under this Part of this Act:

Provided that Her Majesty in Council may order that this section shall not apply in the case of an official survey at any port at which it appears to Her Majesty that corresponding advantages are not extended to British ships.

Annotations

Modifications (not altering text):

C107 Application of section restricted (1.01.1934) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 21(2), S.I. No. 174 of 1933.

Modification of existing provisions for exemption of ships not registered in Saorstát Eireann.

21.— ...

(2) Section two hundred and eighty-four of the Principal Act (which provides for the recognition of passenger steamers' certificates granted in any part of the British Commonwealth of Nations) and any Order in Council thereunder which has the force of law in Saorstát Eireann and section three hundred and sixty-three of that Act (which provides for the exemption of passenger steamers not registered in any part of the British Commonwealth of Nations from survey) shall, on the first day of January, nineteen hundred and thirty-four, cease to apply to Safety Convention passenger steamers plying on international voyages.

Application of Part III. as regards Emigrant Ships.

Application to certain voyages.

364.—The provisions of this Part of this Act respecting emigrant ships shall apply to all voyages from the British Islands to any port out of Europe and not within the Mediterranean Sea.

Limited application of Part III. of Act to colonial voyages.

365.— (1) This Part of this Act, so far as the same is applicable, shall apply to every ship carrying steerage passengers on a colonial voyage as defined by this Part of this Act, provided that the enactments thereof relating to—

(*a*) master's bond;

(*b*) steerage passengers contract tickets;

(*c*) Orders in Council regulating emigration from the British Islands, or prescribing rules for promoting health, cleanliness, order, and ventilation;

(*d*) passage brokers;

(*e*) emigrant runners; and

(*f*) posting of abstracts, and production of a copy, of this Part of this Act,

shall not apply.

(2) Where the duration of a colonial voyage (as determined under this Part of this Act) is less than three weeks, the enactments relating to—

(*a*) the regulations scheduled to this Act as to the accommodation for steerage passengers;

(*b*) medical practitioners, stewards, cooks, cooking apparatus, and manning with an efficient crew; and

(*c*) maintenance of steerage passengers after arrival,

shall also not apply.

(3) Where the duration of a colonial voyage (as determined under this Part of this Act), is less than three weeks, the enactments relating to the issue of provisions shall not, except as to the issue of water, apply to any steerage passenger who has contracted to furnish his own provisions.

Modification of provisions of Part III. in their application to British possessions.

366.—(1) The governor of a British possession may by proclamation—

(*a*) determine what shall be deemed, for the purposes of this Part of this Act, to be the length of the voyage of any ship carrying steerage passengers from any port in that British possession to any other port; and

(*b*) fix dietary scales for steerage passengers during the voyage; and

(*c*) declare what medical stores shall be deemed necessary for the medical treatment of the steerage passengers during the voyage.

(2) Every such proclamation shall take effect from the issue thereof, and shall have effect without as well as within the possession, as if enacted in this Part of this Act.

(3) The governor of a British possession may authorise such persons as he thinks fit to make a like survey of emigrant ships sailing from that possession as is by this Act required to be made by two or more competent surveyors in the case of emigrant ships sailing from the British Islands.

(4) The governor of a British possession may authorise any competent person to act as medical practitioner on board an emigrant ship proceeding on a colonial voyage.

Powers of governors of colonies as to numbers of steerage passengers.

367.—(1) The governor of each of the Australasian colonies, that is to say, New South Wales, Victoria, South Australia, Western Australia, Queensland, Tasmania, New Zealand, and any colony hereafter established in Australia, may by proclamation make such rules as he thinks proper for determining the number of steerage passengers to be carried in any emigrant ship proceeding from one of such colonies to any other of those colonies, and for determining on what deck or decks, and subject to what reservations or conditions, steerage passengers may be carried in such ship.

(2) The governor of any British possession may, if he thinks fit, declare by proclamation that ships intended to pass within the Tropics from any port in such possession may convey steerage passengers, being natives of Asia or Africa, after the rate of one for every twelve superficial feet of the passenger deck instead of after the rate specified in the Tenth Schedule to this Act.

(3) Every such proclamation shall take effect from the issue thereof, or such other day as may be named therein, and shall have effect without as well as within the possession, as if it were enacted in this Part of this Act in substitution as respects the said ships for the Tenth Schedule to this Act.

(4) The provisions of the Tenth Schedule to this Act with respect to the number of superficial feet to be allowed to each steerage passenger shall not apply to any ship proceeding from any port in the island of Ceylon to any port in British India in the Gulf of Manar or Palk's Straits, and the legislature of Ceylon may regulate by law the number of steerage passengers who may be carried on board such ships.

Power for legislature of India to apply Part III.

368.—(1) The provisions of this Part of this Act (other than the provisions relating to passenger steamers only) shall not apply to British India, except as in this section provided.

(2) The Governor-General of India in Council may, by any Act passed for the purpose, declare that all or any provisions of this Part of this Act shall apply to the carriage of steerage passengers upon any voyage from any specified port in British India to any other specified port whatsoever; and may for the purposes of this Part of this Act—

(*a*) fix dietary scales for the voyage, and authorise the substitution of those scales for the scale enacted by this Act;

(*b*) determine what shall be deemed to be the length of any such voyage;

(*c*) determine the persons or officers who in British India shall take the place of emigration officers and officers of customs in the British Islands;

(*d*) declare the space necessary for steerage passengers, and the age at which two children shall be treated as one statute adult, in ships clearing out from any port in British India; and

(*e*) authorise the employment on board any ship of a medical practitioner duly qualified according to Indian law; and

(*f*) provide for the recovery and application in British India of fines and sums of money under this Part of the Act,

and the provisions of any such Act while in force shall have effect without as well as within British India as if enacted by this Act.

(3) Provided that any such Act shall be of no effect under this section, unless it be reserved for the signification of Her Majesty's pleasure thereon, or contain a suspending clause providing that the Act shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in British India.

PART IV.

FISHING BOATS.

Application of Part IV., &c.

Annotations

Editorial Notes:

E184 Employment under an employment agreement made under Part II or Part IV excluded from application of *Minimum Notice and Terms of Employment Act 1973* (1.09.1973) by *Minimum Notice and Terms of Employment Act 1973* (4/1973), s. 4(1)(f), S.I. No. 242 of 1973.

Application of Part IV.

369. — (1) This Part of this Act relates partly—

(*a*) to all fishing boats and to the whole fishing service; and partly

(*b*) to all fishing boats of twenty-five tons tonnage and upwards; and partly

(*c*) to fishing boats being trawlers of twenty-five tons tonnage and upwards, and where so expressly provided, to fishing boats being trawlers of whatever tonnage.

(2) The Board of Trade may, by order published in the London Gazette,—

(*a*) exempt from the date in the order mentioned, any class of such trawler or trawlers belonging to any port from the whole or any portion of this Part of this Act, and

(*b*) extend all or any of the provisions of this Part of this Act to any fishing boats referred to in the order,

and may revoke or alter any such order by an order published in like manner, but such order shall not extend to any of the provisions relating to the fishing boat register, or to the boats and life-buoys to be carried on fishing boats.

(3) The Board of Trade may, before making any order under this section, institute such inquiry, as in their opinion may be required for enabling them to make the order, by such person as the Board may appoint, and the person so appointed shall for the purpose of the inquiry have all the powers of a Board of Trade inspector under this Act.

(4) The provisions of this Act with respect to fishing boats being trawlers shall, save as otherwise expressly provided, apply to vessels employed as tenders or carriers to fishing boats or for the purpose of collecting and conveying to the land the catch of fishing boats.

Annotations

Modifications (not altering text):

C108 Reference to the London Gazette construed (23.12.1927) by *Merchant Shipping Act, 1894, Adaptation (No. 2) Order 1927* (S.R. & O. No. 106 of 1927), art. 3.

3. The references to the London Gazette contained in the Merchant Shipping Act, 1894 (other than the reference thereto contained in subsection (2) of section 738 and the reference thereto contained in section 740 of the said Act) shall be construed as references to the Iris Oifigiúil and the said Act shall have effect accordingly.

Editorial Notes:

E185 Power pursuant to section exercised (7.07.1960) by *Merchant Shipping Act, 1894 (Exemption of Certain Trawlers From Section 413 (1)) Order 1960* (S.I. No. 124 of 1960), in effect as per art. 3.

Definitions.

370.—In this Part of this Act, unless the context otherwise requires—

The expression " fishing boat " means a vessel of whatever size, and in whatever way propelled, which is for the time being employed in sea fishing or in the sea-fishing service, but save as otherwise expressly provided, that expression shall not include a vessel used for catching fish otherwise than for profit.

The expression " second hand " means, with respect to a fishing boat, the mate or person next to the skipper in authority or command on board the boat.

The expression " voyage " shall mean a fishing trip commencing with a departure from a port for the purpose of fishing, and ending with the first return to a port thereafter upon the conclusion of the trip, but a return due to distress only shall not be deemed to be a return, if it is followed by a resumption of the trip.

Ascertainment of tonnage of fishing boat.

371.—F157**[**...**]**

Annotations

Amendments:

F157 Repealed (4.04.2006) by *Sea-Fisheries and Maritime Jurisdiction Act 2006* (8/2006), s. 4(1) and sch. 1, commenced on enactment.

Extent of Part IV.

372.—F158**[...]**

Annotations

Amendments:

F158 Repealed (4.04.2006) by *Sea-Fisheries and Maritime Jurisdiction Act 2006* (8/2006), s. 4(1) and sch. 1, commenced on enactment.

(I.) Provisions applying to all Fishing Boats and to the whole Fishing Service.

The following sections shall apply to all fishing boats and the whole fishing service:—

Fishing Boats Register.

Registry of British fishing boat.

373.—F159**[...]**

31 & 32 Vict. c. 45.

46 & 47 Vict. c. 22.

39 & 40 Vict. c. 36.

Annotations

Amendments:

F159 Repealed (4.04.2006) by *Sea-Fisheries and Maritime Jurisdiction Act 2006* (8/2006), s. 4(1) and sch. 1, commenced on enactment.

Editorial Notes:

E186 Power pursuant to subs. (5) exercised (24.05.2005) by *Merchant Shipping (Registry, Lettering and Numbering of Fishing Boats) Regulations 2005* (S.I. No. 261 of 2005); continued in force as though made under *Sea-Fisheries and Maritime Juristdiction Act 2006* (8/2006), s. 76 (4.04.2006) by *Sea-Fisheries and Maritime Jurisdiction Act 2006* (8/2006), s. 78, commenced on enactment.

E187 Previous affecting provision: power pursuant to subs. (5) exercised (5.09.2001) by *Merchant Shipping (Registry, Lettering and Numbering of Fishing Boats) (Amendment) Regulations 2001* (S.I. No. 411 of 2001); revoked (24.05.2005) by *Merchant Shipping (Registry, Lettering and Numbering of Fishing Boats) Regulations 2005* (S.I. No. 261 of 2005), reg. 2.

E188 Previous affecting provision: power pursuant to subs. (5) exercised (1.08.1994) by *Merchant Shipping (Registry, Lettering and Numbering of Fishing Boats) Regulations 1997* (S.I. No. 294 of 1997), reg. 2, in effect as per art. 1 and S.I. No. 243 of 1994; revoked (24.05.2005) by *Merchant Shipping (Registry, Lettering and Numbering of Fishing Boats) Regulations 2005* (S.I. No. 261 of 2005), reg. 2.

E189 Previous affecting provision: subs. (5) substituted (1.08.1994) by *Fisheries (Amendment) Act 1994* (23/1994), s. 4. S.I. No. 243 of 1994; section repealed as per F-note above.

E190 Previous affecting provision: power pursuant to subs. (5) exercised (15.12.1989) by *Merchant Shipping (Registry, Lettering and Numbering of Fishing Boats) Regulations 1989* (S.I. No. 344 of 1989), reg. 1(2), in effect as per reg. 1(1); revoked (1.08.1994) by *Merchant Shipping (Registry, Lettering and Numbering of Fishing Boats) Regulations 1997* (S.I. No. 294 of 1997), reg. 2, in effect as per art. 1 and S.I. No. 243 of 1994.

E191 Previous affecting provision: application of section restricted (16.05.1983) by *Fisheries (Amendment) Act 1983* (27/1983), s. 8(2)(b), S.I. No. 116 of 1983; repealed (4.04.2006) by *Sea-Fisheries and Maritime Jurisdiction Act 2006* (8/2006), s. 4(1) and sch. 1, commenced on enactment.

E192 Previous affecting provision: subs. (2) construed (16.05.1983) by *Fisheries (Amendment) Act 1983* (27/1983), s. 10(2), S.I. No. 116 of 1983; repealed (4.04.2006) by *Sea-Fisheries and Maritime Jurisdiction Act 2006* (8/2006), s. 4(1) and sch. 1, commenced on enactment.

E193 Previous affecting provision: power pursuant to subs. (5) exercised (1.01.1928) by *Merchant Shipping (Registry, Lettering and Numbering of Fishing Boats) (Regulations) Order 1927* (S.R. & O. No. 105 of 1927), in effect as per art. 4; revoked (15.12.1989, 30.06.1990) by *Merchant Shipping (Registry, Lettering and Numbering of Fishing Boats) Regulations 1989* (S.I. No. 344 of 1989), reg. 1(2), (3), in effect as per regs. 1(1), (3).

E194 Previous affecting provision: subs. (6) amended (21.12.1908) by *Statute Law Revision Act 1908* (8 Edw. 7) c. 49. s. 1 and sch., commenced on enactment; section repealed as per F-note above.

E195 Previous affecting provisions: *Merchant Shipping (Registry, Lettering and Numbering of Fishing Boats) (Regulations) Orders in Council* dated 24.03.1902, 24.10.1904, 23.10.1905, 14.10.1913 made pursuant to subs. (5) revoked (1.01.1928) by *Merchant Shipping (Registry, Lettering and Numbering of Fishing Boats) (Regulations) Order 1927* (S.I. No. 105 of 1927), art. 3, in effect as per art. 3.

Effect of registry of fishing boat.

374.—F160**[...]**

31 & 32 Vict. c. 45.

46 & 47 Vict. c. 22.

Annotations

Amendments:

F160 Repealed (4.04.2006) by *Sea-Fisheries and Maritime Jurisdiction Act 2006* (8/2006), s. 4(1) and sch. 1, commenced on enactment

Rules as to boats and lifebuoys of fishing boats.

375.—F161**[...]**

Annotations

Amendments:

F161 Repealed (14.06.1939) by *Merchant Shipping (Amendment) Act 1939* (12/1939), s. 7, commenced on enactment.

Discipline.

Offences by seamen and apprentices.

376.—(1) If a seaman lawfully engaged to serve in any fishing boat, or an apprentice in the sea-fishing service, commits any of the following offences, that seamen or apprentice shall be liable to be punished summarily as follows:—

(*a*) For the offence of desertion,—he shall be liable to forfeit all or any part of the effects he leaves on board, and all or any part of the wages which he has then earned, and to satisfy any excess of wages paid by the skipper or owner of the fishing boat from which he deserts to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him:

(*b*) For the offence of absence without leave, that is to say for neglecting or refusing without reasonable cause to join or to proceed to sea in his fishing boat, or for being absent without leave at any time within twenty-four hours of his boat's sailing from any port, either at the commencement or during the progress of the engagement, or for being absent at any time without leave and without sufficient reason from his boat,—if the offence does not amount to desertion, or is not treated as such by the skipper, he shall be liable to forfeit a sum not exceeding two days wages, and in addition for every twenty-four hours of absence, either a sum not exceeding four days wages, or any expenses properly incurred in respect of a substitute:

(*c*) For the offence of wrongfully quitting the boat, that is to say for quitting the boat without leave after her arrival in port, and before she is plated in security,—he shall be liable to forfeit a sum not exceeding two weeks wages:

(*d*) For the offence of wilful disobedience, that is to say for wilfully disobeying any lawful command during the engagement,—he shall be liable to imprisonment for any period not exceeding four weeks, and also to forfeit a sum not exceeding two days wages:

(*e*) For the offence of continued breach of duty, that is to say for continued wilful disobedience to lawful commands during the engagement, or continued wilful omission to do his duty during the engagement,—he shall be liable to imprisonment for any period not exceeding twelve weeks, and also to forfeit for every twenty-four hours continuance of the offence either a sum not exceeding six days wages or any expenses properly incurred in respect of a substitute:

(*f*) For the offence of assault, that is to say for assaulting any skipper or second hand,—he shall be liable to imprisonment for a period not exceeding twelve weeks:

(*g*) For the offence of unlawful combination, that is to say for combining with any one or more of the crew to disobey lawful commands, or to neglect duty, or to impede the navigation of the boat, or the progress of the trip,—he shall be liable to imprisonment for a period not exceeding twelve weeks:

(*h*) For the offence of wilful damage, that is to say for wilfully damaging the boat or embezzling or wilfully damaging any of her stores or cargo,—he shall be liable to forfeit a sum equal in amount to the loss thereby sustained, and also to imprisonment for a period not exceeding twelve weeks:

(*i*) For the offence of smuggling, that is to say for any act of smuggling of which he is convicted and which caused loss or damage to the skipper or owner,—he shall be liable to forfeit a sum sufficient to reimburse that loss or damage.

(2) A skipper shall be liable to punishment for the said offences of desertion, absence without leave, wrongfully quitting the boat, wilful damage, and smuggling, as if he were a seaman.

(3) The court before whom any skipper, seaman, or apprentice is convicted of an offence under this section may order any money forfeited for that offence to be deducted from his wages, and (if they think fit) may order the forfeiture to be applied for the benefit of the person by whom the wages are payable, or of the person injured by the commission of the offence.

(4) The provisions of this section relating to the offences of wilful disobedience, continued breach of duty, assault, and unlawful combination shall extend to apprentices in the sea fishing service, and to sea-fishing boys as herein-after defined, whether on shore or on board.

(5) A seaman or apprentice shall not be relieved by his refusal or neglect to go to sea or by his desertion from being liable to punishment under this section for an offence of wilful disobedience, continued breach of duty, or unlawful combination, and in addition to any such punishment shall also be liable to be punished for the offence of desertion or absence without leave.

(6) Any imprisonment under this section may be with or without hard labour.

Civil right unaffected by criminal provisions.

377.—(1) Nothing in the last preceding section shall take away or limit any remedy by action or before a court of summary jurisdiction which an owner or skipper would otherwise have for any breach of contract in respect of the matters constituting an offence under that section, but no owner or skipper shall be compensated more than once in respect of the same damage.

(2) Any question concerning the forfeiture of or deductions from the wages of a seaman or apprentice in the sea-fishing service may be determined in any proceeding lawfully instituted with respect to those wages, notwithstanding that the offence in respect of which the question arises, though by this Act made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding.

Application of forfeitures.

378.—All effects and wages which are, under this Part of this Act, forfeited for desertion shall be applied first in reimbursing the expenses occasioned by such desertion to the skipper or owner of the boat, and, subject to that reimbursement, shall be paid into the Exchequer, and carried to the Consolidated Fund; and any court having cognizance of any proceedings in relation thereto may order the same to be applied accordingly, and where the effects forfeited do not consist of money, may order the same to be sold, and the proceeds of the sale to be applied in manner aforesaid.

Deserters and others may be sent back to their boats.

379.—Whenever any seaman or apprentice is brought before any court charged with the offence (under this Part of this Act) of desertion or of absence without leave, or with otherwise absenting himself from his boat without leave, the court may at the request of the owner or skipper or his agent, in addition to, or in lieu of, imposing any punishment to which he may be liable, cause him to be conveyed on board for the purpose of fulfilling his engagement, or deliver him to the skipper to be so conveyed by him, and may order any costs or expenses properly incurred to be paid by the offender, and if necessary to be deducted from any wages which he has then earned, or which he may thereafter earn under his engagement.

Apprehension of seamen guilty of certain offences.

380.—(1) Any of the following officers; namely,—

(*a*) a superintendent; or

(*b*) the principal Board of Trade officer at a port or district, or his deputy;

may, on the information (made, if the officer so require, on oath) of the owner, skipper, second hand, or agent of a fishing boat, issue a warrant under his hand in the form approved by the Board of Trade for the apprehension of any seaman or apprentice charged with the offence (under this Part of this Act) of desertion, absence without leave, wilful disobedience, continued breach of duty, or unlawful combination.

(2) Such warrant shall be executed by any constable of the county, borough, or place, where the offender may be, and shall continue in force for ninety-six hours from the time endorsed on the warrant by the officer issuing the same.

(3) The seaman or apprentice when apprehended shall be brought by the constable without delay before some officer by whom a warrant may be issued under this section, and that officer shall then and there inquire into the case, and if the explanation of the seaman or apprentice is, in his opinion, sufficient, shall discharge him, but, if not, shall order him to join his boat and resume his duty.

(4) If the seaman or apprentice refuses to obey that order, the officer shall order him to be detained and to be brought with convenient speed before a court of summary jurisdiction, and that court shall hear and determine in due course of law the charge made against him by the information on which he has been apprehended.

(5) An information laid before an officer under this section need not be reduced to writing.

(6) An officer acting under this section may take the evidence (if he thinks fit, on oath) of any person other than the seaman or apprentice charged who is able and willing to give information as to the matters in question, and for that purpose shall have the powers of a Board of Trade inspector under this Act.

(7) A warrant issued under this section shall be valid if it is in the form approved by the Board of Trade and filled in reasonably in accordance with the directions contained in the form, and is duly signed, and shall not be invalidated by the officer who issued it dying or ceasing to hold office.

Dealing with seaman who refuses to proceed to sea, &c.

381.—If a seaman or apprentice engaged or liable to serve on board any fishing boat neglects, or refuses to join, or deserts from, or refuses to proceed to sea in, or absents himself without leave from that fishing boat, the skipper owner or agent of the boat may, with or without the assistance of the local constables (who shall give their assistance in these cases when required by the skipper, owner, or agent) take the seaman or apprentice before some officer by whom, a warrant can be issued for his apprehension under this Part of this Act, who shall deal with him as if apprehended under such a warrant.

Notice by seaman that he intends to absent himself.

382.—(1) If a seaman (not being a sea-fishing boy as defined by this Act) or a skipper intends to absent himself from his fishing boat or his duty, he may, when not at sea, give notice of his intention, if a skipper to the owner of the boat or the owner's agent, and if a seaman either to the owner or to the skipper, not less than forty-eight hours before the time at which he ought to be on board.

(2) When such notice is duly given the skipper or seaman shall not be compelled to go or be brought on board for the purpose of proceeding with the voyage or engagement.

Calculation of wages.

383.—(1) The wages of a skipper seaman or apprentice of a fishing boat shall accrue from day to day.

(2) When wages are contracted for by the voyage or trip or the season or by the share, and not by a stated period of time, the amount accruing from day to day shall be an amount equal to the wages for the whole voyage or trip or season, or the whole share (as the case may be), divided by the number of days occupied in the voyage or trip or season, but a skipper seaman or apprentice shall not be entitled to more than what his share of the profits or catch made during the period he has actually served may or would have amounted to.

(3) Where the whole time spent in the voyage or trip does not exceed the period for which the wages are to be forfeited, the forfeiture shall extend to the whole wages or share.

Facilities for proving desertion so far as concerns forfeiture of wages.

384.—(1) Whenever a question arises before a court whether the wages of any skipper seaman or apprentice of a fishing boat are forfeited for desertion, it shall be sufficient for the person insisting on the forfeiture to show that the skipper seaman or apprentice was duly engaged and belonged to the boat, and left the boat before the completion of the voyage or engagement.

(2) The desertion shall thereupon, so far as relates to any forfeiture of wages, be deemed to be proved, unless the skipper seaman or apprentice can produce a proper certificate of discharge, or can otherwise show to the satisfaction of the court that he was not guilty of desertion.

Provisions as to Deaths, Injuries, Ill-treatment, Punishments, and Casualties in Fishing Boats.

Record and report of death, injury, ill-treatment, punishment, casualties, &c.

385.—(1) The skipper of a fishing boat shall keep a record of the following occurrences; namely,—

(i) Of every death, injury, ill-treatment, or punishment of any member of his boat's crew while at sea or of any person on board his boat, and

(ii) Of every casualty to his fishing boat or any boat belonging to her.

(2) The skipper shall produce the record so kept to any superintendent when required by him, and shall also send the same to the superintendent at the port to which the boat belongs at such periods as the Board of Trade require by any directions endorsed on the forms approved by them.

(3) If any such occurrence has happened in the case of a fishing boat, the skipper of the boat shall make to the superintendent at the port where his boat's voyage ends, within twenty-four hours of the boat's arrival at that port, a report of the occurrence.

(4) The record and report under this section shall be in such form and contain such particulars as the Board of Trade require.

(5) If a skipper fails without reasonable cause to comply with any requirement of this section, he shall for each offence be liable to a fine not exceeding twenty pounds.

Annotations

Editorial Notes:

E196 A fine of £20 translates into a Class C fine, not exceeding €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 6, table ref. no. 8, S.I. No. 662 of 2010.

Inquiry as to death, injury, ill-treatment, punishment, &c.

386.—(1) Where any such occurrence as in the last preceding section mentioned happens or is supposed to have happened, the superintendent at or nearest to the port at which the fishing boat arrives after the occurrence, or to which the boat belongs, may inquire into the cause and particulars of the occurrence, and, if a report as to the occurrence is made to him in pursuance of the said section, may make on the report an endorsement either that in his opinion the particulars in the report are true, or otherwise to such effect as in his opinion his information warrants.

(2) For the purpose of the inquiry, a superintendent shall have all the powers of a Board of Trade inspector under this Act.

(3) If in the course of the inquiry it appears to the superintendent that any such occurrence as aforesaid has been caused or was accompanied by violence or the use of any improper means, he shall report the matter to the Board of Trade, and shall also, if the emergency of the case in his opinion so requires, take immediate steps for bringing the offender to justice, and may for that purpose, if in his discretion he thinks it necessary, cause him to be arrested, and thereafter dealt with in due course of law.

Settlement of Disputes.

Decision of disputes by superintendent.

387.—(1) A superintendent shall inquire into, hear, and determine any dispute, either between the owner of a fishing boat and the skipper or a seaman of the boat, or between the skipper of a fishing boat and any seaman of the boat concerning—

(i) the skipper's or seaman's wages or his share in the profits of the voyage or trip or a fishing catch, or any deduction therefrom; or

(ii) the skipper's or seaman's engagement, service, or discharge; or

(iii) the cost, quantity, or quality, of the provisions supplied to the crew;

if any party to the dispute calls on him to decide it, and his decision thereon shall be final and binding on all persons.

(2) The decision shall, on the request of any party to the dispute, be put into writing, and any such written decision, if purporting to be signed by the superintendent, shall be admissible in evidence in manner provided by this Act.

(3) The decision may be enforced by any justice of the peace, within whose jurisdiction the person or goods of any one against whom the decision is given may be found, in the same manner as if the decision were an order made by a court of summary jurisdiction, and a skipper or seaman may also recover any sum adjudged due to him by any such decision as if it were wages.

(4) A superintendent for the purpose of hearing and determining any such dispute shall have all the powers of a Board of Trade inspector under this Act.

Provisions for ascertaining Profits of Fishing Boats.

Accounts to be rendered by owners.

388.—(1) Where a skipper or any other member of the crew of a fishing boat is paid by a share in the catch, the owner of the boat shall render to him a full and true account, in a form approved by the Board of Trade, showing in detail the amounts for which the fish have been sold, and all deductions from those amounts which are chargeable in any respect to the men who are paid by share, and are made either in respect of stores supplied to the fishing boat, or provisions furnished to the crew or otherwise.

(2) If the owner of a fishing boat fails without reasonable cause to comply with the foregoing provisions of this section, he shall for each offence be liable to a fine not exceeding five pounds.

(3) If a dispute arises as to the share of the catch, the skipper or seaman shall be entitled to inspect at all reasonable times the owner's accounts and books relating to the catch, and if the owner of a fishing boat upon demand fails without reasonable cause to submit his accounts or books at a reasonable time to such inspection, he shall for each offence be liable to a fine not exceeding twenty pounds.

Annotations

Editorial Notes:

E197 A fine of £5 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

E198 A fine of £20 translates into a Class C fine, not exceeding €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 6, table ref. no. 8, S.I. No. 662 of 2010.

Agreements for Fishing Vessels in Scotland.

Agreements for fishing vessels in Scotland.

389.—F162**[**...**]**

Annotations

Amendments:

F162 Repealed (1.10.1920) by *Merchant Shipping (Scottish Fishing Boats) Act 1920* (10 & 11 Geo. 5) c. 39, s. 1(3) and sch., commenced as per s. 29(2).

Fees and Control of Superintendents.

Fees payable on engagements and discharges.

390.—(1) The Board of Trade may fix the fees to be payable upon engagements or discharges of members of the crews of fishing boats when effected before a superintendent; and a superintendent may refuse to proceed with any such engagement or discharge unless the fee payable thereon has first been paid.

(2) All fees so paid shall be carried to the credit of the Mercantile Marine Fund.

Control of Board of Trade.

391.—All superintendents shall, in carrying into effect the provisions of this Part of this Act, other than those relating to the fishing boat register, be subject to the control of and obey any directions given by the Board of Trade.

(II.) Provisions applying to all Fishing Boats of Twenty-five Tons Tonnage and upwards.

The following sections shall apply to all fishing boats of twenty-five tons tonnage and upwards.

Apprenticeship and Agreements with Boys.

Restriction on apprentice ships and agreements in the case of young boys.

392.—A boy under the age of thirteen years shall not enter into any apprenticeship to the sea-fishing service or agreement with respect to that service, and an indenture of apprenticeship or agreement made contrary to this section shall be void.

Boys to be properly apprenticed or have proper agreements.

393.—(1) A boy under the age of sixteen years shall not be taken to sea for the purpose of serving in any capacity connected with the sea-fishing service, unless he is bound by an indenture of apprenticeship or agreement made in conformity with this Part of this Act, and a boy bound by any such agreement is in this Act referred to as a sea-fishing boy.

(2) If any person takes a boy to sea, or causes a boy to be taken to sea, in contravention of this section, that person shall be liable to a fine not exceeding twenty pounds.

(3) Boards of guardians in apprenticing boys to the sea-fishing service, shall not cause or permit any such apprenticeship to be made except in conformity with this Part of this Act.

(4) Nothing in this Part of this Act shall prevent the daily employment in a fishing boat of any boy under the age of sixteen years, who is under no obligation to remain in that employment for a longer period than one day, and with whom no written agreement has been made.

Annotations

Editorial Notes:

E199 A fine of £20 translates into a Class C fine, not exceeding €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 6, table ref. no. 8, S.I. No. 662 of 2010.

Assistance by superintendents.

394.—All superintendents shall give to persons desirous of making indentures of apprenticeship to the sea-fishing service or agreements under this Part of this Act, or of causing the same to be made, such assistance as may be in their power in reference thereto, and shall supply forms of indentures or agreements at such reasonable rates (if any) as the Board of Trade may fix, and may receive such fees in respect of those indentures or agreements as the Board of Trade may fix.

Apprenticeships and agreements with boys to be made before superintendent.

395.—(1) Indentures of apprenticeship to the sea-fishing service, and agreements with boys under the age of sixteen years with respect to that service, shall be made before a superintendent and be in accordance with this Act, and every such indenture or agreement not so made shall be void.

(2) A superintendent, before allowing any such indenture or agreement to be completed, shall satisfy himself—

(*a*) that the indenture or agreement complies with all the requirements of this Part of this Act; and

(*b*) that the master with whom the indenture or agreement is made is a fit person for the purpose; and

(*c*) that the apprentice or boy is not under the age of thirteen years, and is of sufficient health and strength; and

(*d*) that the nearest relations of the apprentice or boy or his guardians assent, in the case of an apprentice, to the apprenticeship, and to the stipulations in the indenture of apprenticeship, and in the case of a boy, to the stipulations of the agreement;

and shall make and sign an endorsement that he is so satisfied on the indenture or agreement.

(3) Where there are no nearest relations or guardians, or where they cannot readily be found, or are not known, the superintendent shall act as guardian for the occasion, and state in his endorsement that he has so acted.

(4) The superintendent's endorsement shall be admissible in evidence in manner provided by this Act.

(5) The indentures of apprenticeship and agreements shall be in such form, and contain such covenants, provisions, stipulations, endorsements, and certificates as are prescribed by Order in Council made on the recommendation of the Board of Trade, and any directions given in the forms so prescribed shall be complied with.

(6) The indentures and agreements shall be executed in triplicate, one of which shall be kept by the master, one by the boy, and one by the superintendent before whom it is made.

(7) All such indentures and agreements made in conformity with this Part of this Act shall be exempt from stamp duty.

Enforcement by superintendents of indentures or agreements.

396.—(1) Where an indenture of apprenticeship to the sea-fishing service, or any agreement with a sea-fishing boy, has been made before a superintendent at a port, the superintendent for the time being at that port may, by proper legal proceeding taken in his own name, enforce on behalf of the apprentice or boy against the master any stipulations in that indenture or agreement.

(2) Where an apprentice or boy is taken to sea from any port under an indenture or agreement which is void, the superintendent at that port, or if there is none the superintendent at the nearest port, may, by proper legal proceedings taken in his own name, enforce, to such extent as he thinks just, on behalf of the apprentice or boy against the master any stipulation in the void indenture or agreement which is in favour of the apprentice or boy.

(3) Any sums recovered by a superintendent under this section may, so far as necessary, be applied by him in payment of the costs of recovering the same.

Powers of superintendent under indenture or agreement.

397.—Where an indenture of apprenticeship to the sea-fishing service, or an agreement with a sea-fishing boy, is made before a superintendent at any port, the superintendent for the time being at that port shall have, and when necessary shall execute, all the powers given to the superintendent by the indenture or agreement.

Prohibition on taking money for apprenticeships and boys agreements.

398.—If any person—

(*a*) receives any money or valuable consideration from the person to whom an apprentice in the sea-fishing service is bound, or to whom a sea-fishing boy is bound by any agreement, or from anyone on that person's behalf, or from the apprentice or boy or anyone on the apprentice or boy's behalf, in consideration of the apprentice or boy being so bound; or

(*b*) makes or causes any such payment to be made;

that person shall in respect of each offence be guilty of a misdemeanor, whether the apprentice or boy was or was not validly bound.

(III.) Provisions applying to Trawlers.

The following sections shall apply only to fishing boats being trawlers and save as

otherwise provided only to fishing boats being trawlers of twenty-five tons tonnage and upwards.

Engagement of Seamen.

Agreements with crew.

399.—(1) The skipper of every fishing boat being a trawler of twenty-five tons tonnage or upwards shall enter into an agreement (in this Part of this Act called a fishing boat's agreement), in accordance with this Part of this Act, with every seaman whom he carries to sea as one of his crew from any port in England or Ireland, and shall not carry to sea any seaman with whom no such agreement has been entered into.

(2) If a skipper acts in contravention of this section, he shall for each offence be liable to a fine not exceeding five pounds.

(3) This section shall not apply in the case of a sea-fishing boy.

Annotations

Modifications (not altering text):

C109 Application of section restricted (1.09.2020) by *European Union (International Labour Organisation Work in Fishing Convention) (Crew List and Fisherman's Work Agreement) Regulations 2020* (S.I. No. 333 of 2020), reg. 16(1), in effect on signature.

Act of 1894

16. (1) The duty of a skipper to enter into an agreement under section 399 of the Act of 1894 shall not apply in respect of a fisherman to whom the owner owes a duty under Regulation 6(1)(a).

...

Editorial Notes:

E200 A fine of £5 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

Form, period, and condition of agreement.

400.—(1) A fishing boat's agreement shall be in a form approved by the Board of Trade, and be dated at the time of the first signature thereof, and be signed by the skipper before a seaman signs it.

(2) A fishing boat's agreement shall contain as terms thereof—

(*a*) the nature and, as far as practicable, the duration of the intended voyage or engagement:

(*b*) the number and description of the crew:

(*c*) the time at which each seaman is to be on board or to begin work:

(*d*) the capacity in which each seaman is to serve:

(*e*) the remuneration which each seaman is to receive, whether in wages or by share in the catch, or in both ways, and the time from which each seaman's remuneration is to commence:

(*f*) a scale of the provisions to be furnished to each seaman:

(*g*) any regulations as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishment for misconduct, which the Board of Trade have approved as proper and the parties agree to adopt.

(3) The fishing boat's agreement shall be so framed as to admit of stipulations, to be adopted at the will of the skipper and seaman in each case, as to advance and allotment of wages, and may contain any other stipulations that are not contrary to law.

Mode of entering into agreements.

401.—(1) A fishing boat's agreement shall be signed by each seaman, and the skipper shall cause the agreement to be read over and explained to each seaman, or otherwise ascertain that each seaman understands the same before he signs it, and shall attest each signature.

(2) When the crew is first engaged the agreement shall be signed in duplicate, and one part shall be sent by the skipper to the superintendent at the port of departure and retained by him, and the other part shall be retained by the skipper, and shall contain a special place for the descriptions and signatures of substitutes, or persons engaged subsequently to the first departure of the fishing boat.

(3) Where a substitute is engaged in the place of a seaman who has signed the agreement, and whose services are lost by death, desertion, failure to join, or other unforeseen cause, the skipper shall, before the fishing boat puts to sea, if practicable, and if not as soon afterwards as possible, cause the agreement to be read over and explained to the substitute, and the substitute shall thereupon sign the same in the presence of the skipper who shall attest the signature.

Agreements by owner or for service in two or more fishing boats.

402.—(1) Fishing boats agreements maybe made by the owner (or if there are several owners the registered managing owner) instead of by the skipper; and the provisions of this Part of this Act with respect to fishing boats agreements shall apply as if the owner were skipper.

(2) Fishing boats agreements maybe made for service either in a particular boat or in two or more boats belonging to the same owner, provided that in the latter case the names of the boats and the length and nature of the service, and the rates periods and method of payment are specified in the agreement.

Fishing boats running agreements.

403.—(1) Fishing boats agreements may if the voyages of the boat average less than six months in duration, be made to extend over two or more voyages or any number of weeks, and agreements so made are in this Part of this Act referred to as fishing boats running agreements.

(2) Fishing boats running agreements shall not extend beyond the next following thirtieth day of June or thirty-first day of December, or the first arrival of the boat at her port of destination in the United Kingdom after that date, or the discharge of cargo consequent on that arrival.

Endorsement of engagements and discharge on running agreements.

404.—(1) Where a fishing boat's running agreement has been made for any boat, the skipper shall on every return to a port in the United Kingdom before the final termination of the agreement make and sign an endorsement on the agreement stating either that no engagements or discharges of seamen have been made or are intended to be made before the boat leaves port, or that all those made have been made as required by law.

(2) If a skipper knowingly makes a false statement in any such endorsement, he shall for each offence be liable to a fine not exceeding five pounds.

Annotations

Editorial Notes:

E201 A fine of £5 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

Report of crew.

405.—(1) The owners of a fishing boat, being a trawler of twenty-five tons tonnage or upwards, shall, within forty-eight hours of her departure from port on any voyage, send or cause to be sent to the superintendent at the port a true report, signed by an owner or the registered managing owner, in a form approved by the Board of Trade, stating the names of the skipper, seamen, and apprentices who have gone to sea in her, and such other particulars as the Board require.

(2) Where the sole or the registered managing owner or every owner of such a fishing boat goes to sea in her on the voyage, or the voyage commences at a port where there is no owner or registered managing owner, the report may be made and signed on his behalf by his agent for that purpose.

(3) If any requirement of this section is not complied with in the case of any boat, each owner of the boat and the registered managing owner (if any) of the boat shall for each offence be liable to a fine not exceeding five pounds.

(4) The Board of Trade may in any case they think fit, and subject to such conditions and requirements as in their opinion may be necessary, exempt owners of boats from this section.

Annotations

Modifications (not altering text):

C110 Application of section restricted (1.09.2020) by *European Union (International Labour Organisation Work in Fishing Convention) (Crew List and Fisherman's Work Agreement) Regulations 2020* (S.I. No. 333 of 2020), reg. 16(3).

Act of 1894

16.— ...

(3) The duty of an owner to send a report under section 405 of the Act of 1894 and the duty of a skipper to send a statement of every change which has taken place in his crew under section 406 of that Act shall not apply in respect of an owner or master to whom Regulation 5 applies.

Editorial Notes:

E202 A fine of £5 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

Statement of change of crew in case of running agreements.

406.—(1) Where a fishing boat's running agreement has been made, the skipper shall, before finally leaving any port for sea during the continuance of the agreement, sign and send to the nearest superintendent an accurate statement, in a form approved by the Board of Trade, of every change which has taken place in his crew, and that statement shall be admissible in evidence in manner provided by this Act.

(2) If a skipper fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding five pounds.

(3) The Board of Trade may in any case they think fit, and subject to such conditions and requirements as in their opinion may be necessary, exempt skippers of boats from this section.

Annotations

Modifications (not altering text):

C111 Application of section restricted (1.09.2020) by *European Union (International Labour Organisation Work in Fishing Convention) (Crew List and Fisherman's Work Agreement) Regulations 2020* (S.I. No. 333 of 2020), reg. 16(3).

Act of 1894

16.— ...

(3) The duty of an owner to send a report under section 405 of the Act of 1894 and the duty of a skipper to send a statement of every change which has taken place in his crew under section 406 of that Act shall not apply in respect of an owner or master to whom Regulation 5 applies.

Editorial Notes:

E203 A fine of £5 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

Alterations, &c. in agreements to be attested.

407.—Every erasure interlineation or alteration in a fishing boat's agreement (except additions so made as herein-before directed for shipping substitutes or persons engaged subsequently to the first departure of the fishing boat) shall be wholly inoperative unless proved to have been made with the consent of all the persons interested in that erasure interlineation or alteration.

Offences as to agreements with the crew.

408.—If a skipper—

(i) fraudulently alters, or makes any false entry in, a fishing boat's agreement, or is privy to any such fraudulent alteration or false entry;

(ii) delivers, or is privy to the delivery of, a false copy of a fishing boat's agreement;

he shall for each offence be liable to a fine not exceeding twenty pounds.

Annotations

Editorial Notes:

E204 A fine of £20 translates into a Class C fine, not exceeding €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 6, table ref. no. 8, S.I. No. 662 of 2010.

Payment of Wages and Discharge of Seamen.

Account of wages.

409.—(1) The owner of a fishing boat, being a trawler of twenty-five tons tonnage or upwards, shall deliver to the skipper, and the owner or skipper of such a boat shall deliver to every seaman of that boat, a full and true account, in a form approved by the Board of Trade, of the wages of the skipper or seaman, as the case may be (not being a share in the catch), and of all deductions to be made therefrom on any account whatever, and a deduction from the wages of a skipper or seaman shall not be allowed unless it is included in the account so delivered, or is in regard of a matter happening after such delivery.

(2) The skipper may by notice to the owner, and a seaman may by notice to the skipper, dispense with the delivery of suck account.

(3) Except where the account of wages is dispensed with, the account shall be delivered not less than four hours before the paying off or discharge of the skipper or seaman.

(4) If the owner or skipper of a boat fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding five pounds.

Annotations

Editorial Notes:

E205 A fine of £5 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

Certificate of discharge.

410.—(1) Upon the discharge of a seaman from a fishing boat, being a trawler of twenty-five tons tonnage or upwards, or on the payment of his wages, the skipper shall sign and deliver to him a certificate of discharge, in a form approved by the Board of Trade, specifying the period of his service, and the time and place of his discharge.

(2) If a skipper fails to comply with this section, he shall for each offence be liable to a fine not exceeding five pounds.

Annotations

Editorial Notes:

E206 A fine of £5 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

Compensation to seamen improperly discharged.

411.—If a seaman, having signed a fishing boat's agreement, is discharged before the commencement of the voyage, or at any time during the voyage or engagement, without fault on his part justifying the discharge and without his consent, he shall be entitled to recover, in addition to an amount of wages proportionate to the time he has served, sufficient compensation for the damage caused to him by the discharge, and may recover that compensation as wages duly earned.

Provision as to discharge, &c. to apply in the case of any sort of agreement.

412.—The provisions of this Part of this Act relating to the discharge of seamen and the payment of wages shall apply whether the seamen is serving under an ordinary agreement, or under an agreement to serve in two or more fishing boats belonging to the same owner, or under a fishing boat's running agreement.

Certificates of Skippers and Second Hands.

Skippers and second hands to hold certificate of competency.

413.—(1) A fishing boat, being a trawler of twenty-five tons tonnage or upwards, shall not go to sea from any port F163**[**...**]** unless provided with a duly certificated skipper and a duly certificated second hand.

(2) If a boat goes to sea contrary to this section, the owner thereof shall for each offence be liable to a fine not exceeding twenty pounds.

(3) If any person, except in case of necessity—

(*a*) having been engaged to serve as skipper or second hand of a fishing boat, being a trawler of twenty-five tons tonnage and upwards, serves as skipper or second hand of that boat without being duly certificated; or

(*b*) employs any person as skipper or second hand of such a boat without ascertaining that he is duly certificated;

that person shall for each offence be liable to a fine not exceeding twenty pounds.

(4) A skipper or second hand shall not be deemed duly certificated for the purpose of this section unless he holds a certificate under this Part of this Act appropriate to his station in the boat or to a higher station.

(5) Where the skipper of such a boat is absent from his boat a superintendent may, on the request of the owner of the boat, and on being satisfied that the absence is due to an unavoidable cause, authorise the second hand of the boat to act, for a period not exceeding one month, as the skipper of the boat during the skipper's absence, and the second hand when acting under that authority shall for the purposes of this section be deemed to be a duly certificated skipper.

Annotations

Amendments:

F163 Deleted (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 85 and sch., commenced as per s. 86(2).

Modifications (not altering text):

C112 Application of subs. (1) restricted (7.07.1960) by *Merchant Shipping Act, 1894 (Exemption of Certain Trawlers From Section 413 (1)) Order 1960* (S.I. No. 124 of 1960, in effect as per art. 3.

3. On and after the 7th day of July, 1960, fishing boats being trawlers of twenty-five tons tonnage or upwards but not exceeding fifty tons shall be exempt from the provisions of subsection (1) of section 413 of the Merchant Shipping Act, 1894, when—

(a) carrying as skipper either a duly certificated skipper or a duly certificated second hand whose certificate has been endorsed to certify that he is competent to act as skipper of a fishing boat not exceeding fifty tons tonnage, and

(b) not proceeding north of latitude 61° N. or south of latitude 48° 30" N. or west of longitude 14° 30' W.

C113 Application of section extended (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 81, commenced as per s. 86(2).

Application of certain sections of principal Act to Scotland.

81. (1) Sections four hundred and thirteen to four hundred and sixteen of the principal Act (which relate to certificates of skippers and second hands on trawlers) shall apply to fishing boats being trawlers of twenty-five tons tonnage and upwards going to sea from any port of Scotland in like manner as they apply to such fishing boats going to sea from any port of England or Ireland, except that in section four hundred and fifteen the date of the commencement of this Act shall be substituted for the dates mentioned in that section, and Part IV. of the principal Act shall be construed accordingly.

(2) The sections aforesaid as hereby applied to Scotland shall, notwithstanding anything contained in Part IV. of the principal Act, be deemed to be portions or provisions of Part IV. referred to in section three hundred and sixty-nine of the principal Act (conferring power on the Board of Trade to make exempting or extending orders), and that section (with the sub stitution of the Edinburgh Gazette for the London Gazette) and Part IV. shall be construed accordingly: Provided that any Order to be published in the Edinburgh Gazette under that section shall be subject to the consent of the Secretary for Scotland.

Editorial Notes:

E207 A fine of £20 translates into a Class C fine, not exceeding €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 6, table ref. no. 8, S.I. No. 662 of 2010.

Granting of certificate of competency.

414.—(1) Certificates of competency as skipper or as second hand of fishing boats, or any particular class of fishing boats, may be granted by the Board of Trade in the same manner as certificates of competency as master or mate under the Second Part of this Act, and all the provisions of this Act with respect to or connected with the examination of applicants for certificates and the granting thereof, and the suspension and cancellation thereof, and inquiries and investigations into the conduct of the holders thereof, and all other provisions of this Act relating to or connected with

certificates of masters or mates, shall apply to the certificates as skipper or second hand of fishing boats, and the holders thereof, as if the certificates had been granted under Part II. of this Act, and the holders thereof shall be entitled to such privileges, and subject to such liabilities as they would be if such certificates had been so granted.

(2) A certificate of competency as skipper of a fishing boat shall not be granted to any person unless he has previously held a certificate as second hand for at least twelve months.

Annotations

Modifications (not altering text):

C114 Application of section extended (25.08.1995) by *Merchant Shipping (Recognition of British Certificates of Competency) Order 1995* (S.I. No. 228 of 1995), art. 2.

2. Certificates of competency as deck officers or engineer officers on board ship or as skippers, second hands or engineer officers on board fishing boats for the grant of which provision is made by the Government of the United Kingdom of Great Britain and Northern Ireland shall be of the same force within the State as if they had been granted by the Minister under (as may as be appropriate) Part II or section 414 of the Merchant Shipping Act, 1894, or section 3 or 8 of the Merchant Shipping (Certification of Seamen) Act, 1979 (No. 37 of 1979).

C115 Application of section extended (1.09.1989) by *Fishing Vessels (Certification of Deck Officers and Engineer Officers) Regulations 1988* (S.I. No. 289 of 1988), reg. 8(1), in effect as per reg. 1.

Certificates equivalent to a certificate of competency

8. (1) An existing certificate of competency granted under section 414 of the Merchant Shipping Act, 1894, shall be deemed for the purposes of these Regulations and of section 3 of the Merchant Shipping (Certification of Seamen) Act, 1979 (No. 37 of 1979), to be a certificate of competency and such a certificate of a class set out in column 1 of the Table to this paragraph shall be treated as equivalent to a certificate of competency issued under these Regulations of a class set out opposite thereto in column 2 of that Table.

...

C116 Application of section extended and restricted (1.09.1981) by *Merchant Shipping (Certification of Deck Officers) Regulations 1981* (S.I. No. 13 of 1981), regs. 5(2), 6(2), in effect as per reg. 1.

Certificates equivalent to a Certificate of Competency under these Regulations.

5. ...

(2) A certificate of competency granted under section 93 or 414 of the Act of 1894 to which has been added by the Minister, a certificate of service (deck officer) under Regulation 6 (2) of these Regulations of a description set out in column 1 of Table 2 to these Regulations, shall be treated as equivalent to a certificate of competency issued under these Regulations of the class set out in column 2 of that Table opposite the description in column 1.

...

Conditions applicable to the issue of certificates.

6. ...

(2) Subject to paragraphs (3) and (4) of this Regulation, the conditions to be satisfied by an uncertificated officer or by the holder of a certificate of competency granted under section 93 or 414 of the Act of 1894 who applies to be issued with a certificate of service (deck officer) shall be—

(a) (i) that he has served in an appropriate capacity of mate, or

(ii) that he has served in the capacity of master,

in a sea-going ship to which these Regulations apply during the period from the 1st day of September, 1974 to the 31st day of August, 1981 and

(b) that he has served as a master or as a watchkeeping deck officer at sea for a period of not less than three years in the period specified in paragraph (2) (a) of this Regulation and

(c) that he has produced such evidence as the Minister may require in the particular case—

(i) of his having served for 12 months of such service in ships to which these Regulations apply in the capacity for which a certificate of service (deck officer) is claimed and

(ii) of his satisfactory conduct during those 12 months and during the last 12 months of sea service in a watchkeeping capacity.

...

C117 Application of section extended (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 81, commenced as per s. 86(2).

Application of certain sections of principal Act to Scotland.

81. (1) Sections four hundred and thirteen to four hundred and sixteen of the principal Act (which relate to certificates of skippers and second hands on trawlers) shall apply to fishing boats being trawlers of twenty-five tons tonnage and upwards going to sea from any port of Scotland in like manner as they apply to such fishing boats going to sea from any port of England or Ireland, except that in section four hundred and fifteen the date of the commencement of this Act shall be substituted for the dates mentioned in that section, and Part IV. of the principal Act shall be construed accordingly.

(2) The sections aforesaid as hereby applied to Scotland shall, notwithstanding anything contained in Part IV. of the principal Act, be deemed to be portions or provisions of Part IV. referred to in section three hundred and sixty-nine of the principal Act (conferring power on the Board of Trade to make exempting or extending orders), and that section (with the substitution of the Edinburgh Gazette for the London Gazette) and Part IV. shall be construed accordingly: Provided that any Order to be published in the Edinburgh Gazette under that section shall be subject to the consent of the Secretary for Scotland.

Editorial Notes:

E208 Previous affecting provision: application of section extended (18.02.1949) by *Merchant Shipping (Recognition of British Certificates of Competency) Order 1949* (S.I. No. 47 of 1949); revoked (25.08.1995) by *Merchant Shipping (Recognition of British Certificates of Competency) Order 1995* (S.I. No. 228 of 1995), art. 3

Certificate of service.

415.—(1) If any person before the first day of September one thousand eight hundred and eighty-three served as a skipper or before the first day of July one thousand eight hundred and eighty-eight served as a second hand in fishing boats, being trawlers of twenty-five tons tonnage and upwards of such other fishing boats as the Board of Trade consider will have afforded that person sufficient experience, for a period amounting in all to not less than twelve months, that person shall be entitled to a certificate of service as skipper or second hand, as the case may be, of a fishing boat, limited, if he has been exclusively employed in a particular class of such fishing boats, to that particular class.

(2) If a person proves to the Board of Trade that he has served as required by this section and has been generally well conducted on board the boats in which he has served, the Board of Trade shall deliver a certificate of service to him.

(3) The certificate of service shall differ in form from a certificate of competency, and shall contain particulars of the name, place, and date of birth of the holder, and of the length and nature of his previous service.

(4) This Act shall apply to a certificate of service so granted and to the holder thereof in like manner as it applies to a certificate of competency granted under this Part of this Act and to the holder thereof.

Annotations

Modifications (not altering text):

C118 Application of section extended (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 81, commenced as per s. 86(2).

Application of certain sections of principal Act to Scotland.

81. (1) Sections four hundred and thirteen to four hundred and sixteen of the principal Act (which relate to certificates of skippers and second hands on trawlers) shall apply to fishing boats being trawlers of twenty-five tons tonnage and upwards going to sea from any port of Scotland in like manner as they apply to such fishing boats going to sea from any port of England or Ireland, except that in section four hundred and fifteen the date of the commencement of this Act shall be substituted for the dates mentioned in that section, and Part IV. of the principal Act shall be construed accordingly.

(2) The sections aforesaid as hereby applied to Scotland shall, notwithstanding anything contained in Part IV. of the principal Act, be deemed to be portions or provisions of Part IV. referred to in section three hundred and sixty-nine of the principal Act (conferring power on the Board of Trade to make exempting or extending orders), and that section (with the sub stitution of the Edinburgh Gazette for the London Gazette) and Part IV. shall be construed accordingly: Provided that any Order to be published in the Edinburgh Gazette under that section shall be subject to the consent of the Secretary for Scotland.

Registers of certificated skippers and second hands.

416.—(1) The Board of Trade may cause a register of certificated skippers and second hands to be kept in such form and by such person, and containing such particulars, as the Board direct.

(2) Such register shall be admissible in evidence in manner provided by this Act, and the absence of an entry in the register of any person or matter shall be evidence of the non-registration of such person or matter, and if the question is whether the person has been certificated as a skipper or second hand, of his not being so certificated.

Annotations

Modifications (not altering text):

C119 Application of section extended (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 81, commenced as per s. 86(2).

Application of certain sections of principal Act to Scotland.

81. (1) Sections four hundred and thirteen to four hundred and sixteen of the principal Act (which relate to certificates of skippers and second hands on trawlers) shall apply to fishing boats being trawlers of twenty-five tons tonnage and upwards going to sea from any port of Scotland in like manner as they apply to such fishing boats going to sea from any port of England or Ireland, except that in section four hundred and fifteen the date of the commencement of this Act shall be substituted for the dates mentioned in that section, and Part IV. of the principal Act shall be construed accordingly.

(2) The sections aforesaid as hereby applied to Scotland shall, notwithstanding anything contained in Part IV. of the principal Act, be deemed to be portions or provisions of Part IV. referred to in section three hundred and sixty-nine of the principal Act (conferring power on the Board of Trade to make exempting or extending orders), and that section (with the sub stitution of the Edinburgh Gazette for the London Gazette) and Part IV. shall be construed accordingly: Provided that any Order to be published in the Edinburgh Gazette under that section shall be subject to the consent of the Secretary for Scotland.

Conveyance of Fish from Trawlers.

Board of Trade regulations as to conveyance of fish from trawlers.

417.—(1) The Board of Trade, on the application of any owners of a fleet of fishing boats, or of any association of owners of fishing boats, or of any persons having the charge or command of a fleet of fishing boats, or without such application if the person or association entitled to make the application fails after request by the Board of Trade to do so, may make such regulations respecting the conveyance of fish from fishing boats catching fish as trawlers to vessels engaged in collecting and carrying fish to port, as may appear to the Board expedient for preventing loss of life, or danger to life or limb.

(2) All regulations so made shall be laid for thirty days before both Houses of Parliament while in session, and shall not come into force till the expiration of those thirty days; and if either House within those thirty days resolves that the whole or any part of the regulations laid before them ought not to be in force, the same shall not have any force, without prejudice, nevertheless, to the making of any other regulation in its place.

(3) All regulations made under this section shall, whilst in force, have effect as if enacted in this Act.

(4) If any person to whom such a regulation applies fails without reasonable cause to comply therewith, he shall for each offence be liable to a fine not exceeding ten pounds.

(5) This section shall apply to fishing boats of whatever tonnage.

Annotations

Editorial Notes:

E209 A fine of £10 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

PART V.

SAFETY.

Prevention of Collisions.

Annotations

Modifications (not altering text):

C120 Application of Part V extended (19.11.1953) by *Merchant Shipping (Safety Convention) Act 1952* (29/1952), ss. 38(3), (4) and 39(1), (2), S.I. No. 338 of 1953. A fine of £300 translates into a Class A fine, not exceeding €5,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 4, table ref. no. 6, S.I. No. 662 of 2010. A fine of £100 translates into a Class C fine, not exceeding €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 6, table ref. no. 6, S.I. No. 662 of 2010.

Carriage of dangerous goods.

38.— ...

(3) If any of the rules made in pursuance of this section is not complied with in relation to any ship, the owner or master of the ship shall be guilty of an offence under this section and shall be liable on conviction on indictment to a fine not exceeding three hundred pounds, or on summary conviction to a fine not exceeding one hundred pounds, and the ship shall be deemed for the purposes of Part V of the Principal Act to be unsafe by reason of improper loading.

(4) Any goods declared by the rules made under this section to be dangerous in their nature shall be deemed to be dangerous goods for the purposes of Part V of the Principal Act.

Carriage of grain.

39.—(1) Where grain is loaded on board any ship registered in the State, or is loaded within any port in the State on board any ship, all necessary and reasonable precautions shall be taken to prevent the grain from shifting, and if such precautions as aforesaid are not taken, the owner or the master of the ship, or any agent of the owner who was charged with the loading or with sending the ship to sea laden with the grain, shall be guilty of an offence under this subsection, and the ship shall be deemed for the purposes of Part V of the Principal Act to be unsafe by reason of improper loading.

(2) (a) Where any ship, having been loaded with grain outside the State without the taking of all necessary and reasonable precautions to prevent the grain from shifting, enters any port in the State so laden, the owner or master of the ship shall be guilty of an offence under this subsection, and the ship shall be deemed for the purposes of Part V of the Principal Act to be unsafe by reason of improper loading.

(b) This subsection shall not have effect if the ship would not have entered any such port but for stress of weather or any other circumstance that neither the master nor the owner nor the charterer (if any) could have prevented or forestalled.

...

Collision regulations.

F164**[418.**— (1) The Minister for Transport may make regulations for the prevention of collisions at sea.

(2) Regulations under this section may prescribe—

(*a*) the conduct of vessels—

(i) in any condition of visibility,

(ii) in restricted visibility,

(iii) in sight of one another, and

(iv) restricted in their ability to manoeuvre,

(*b*) requirements for maintaining a safe look-out and safe speed,

(*c*) actions to be taken to avoid collisions,

(*d*) responsibilities between vessels,

(*e*) requirements for lights and shapes, visibility of lights, towing and pushing, sound and light signals, equipment for sound signals, manoeuvring and warning signals,

(*f*) requirements for the survey of vessels for compliance with regulations made under this section,

(*g*) such requirements as the Minister considers necessary to give effect to the provisions of the international collision regulations, and

(*h*) such requirements for the inspection of vessels as the Minister considers necessary to ensure continued compliance with regulations made under this section.

(3) Regulations made under this section shall apply to Irish ships and to any other ship while it is within any port in the State unless it would not have been in any such port but for stress of weather or any other 9circumstances that neither the master nor the owner of the ship could have prevented or forestalled.

(4) Regulations made under this section may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations.

(5) In this section—

"international collision regulations" means the International Maritime Organization's Convention on the International Regulations for Preventing Collisions at Sea 1972 and any amendments made to it up to and including those adopted by the 28th Session of the Assembly of the International Maritime Organization on 4 December 2013 through Resolution A.1085(28);

"Irish ship" means a ship, other than a ship of war, known as such under section 9 of the Mercantile Marine Act 1955.**]**

Annotations

Amendments:

F164 Substituted (1.06.2025) by *Merchant Shipping (Investigation of Marine Accidents) Act 2025* (2/2025), s. 52(1)(a), S.I. No. 188 of 2025.

Modifications (not altering text):

C121 Application of subs. (1) extended (1.08.1936) by *Air Navigation and Transport Act 1936* (40/1936), s. 58(1), commenced on enactment.

Application to seaplanes of certain provisions of the Merchant Shipping Acts, relating to collisions at sea and signals of distress.

58. (1) The power conferred by sub-section (1) of section 418 of the Merchant Shipping Act, 1894, to make regulations for the prevention of collisions at sea shall include power to make regulations for the prevention of collisions at sea—

(a) between seaplanes on the surface of the water, and

(b) between vessels and seaplanes on the surface of the water;and accordingly the said section 418, and sections 419, 421 and 424 of the said Act, as amended by any subsequent enactment, shall apply in relation to seaplanes on the surface of the water as they apply in relation to ships or vessels, subject however to the following modifications, that is to say:—

(i) for the purpose of sub-section (2) of the said section 418, and for the purposes of the said section 424, sections 418, 419, 421, and 424 of the said Act shall be deemed to be the only provisions of Part V of the said Act relating to collision regulations or otherwise relating to collisions, and

(ii) any references in the said section 419 to the master or to the person in charge of the deck shall be construed as references to the pilot or other person on duty in charge of the seaplane.

C122 References construed (22.12.1953) by *Merchant Shipping Act 1894 (Adaptation) Order 1953* (S.I. No. 398 of 1953), regs. 4-6.

4. The reference in subsection (1) of section 418 of the Act to " the joint recommendation of the Admiralty and the Board of Trade " shall be construed as a reference to the recommendation of the Minister for Industry and Commerce.

5. The references in subsection (2) of section 418 and in section 424 of the Act to "British jurisdiction" and "British court" shall be construed as references to "the jurisdiction of the State" and "a court in the State," respectively.

6. The references in subsection (2) of section 418 and in section 424 of the Act to "British ships" shall be construed as references to Irish ships.

Editorial Notes:

E210 Power pursuant to section exercised (29.07.2025) by *Merchant Shipping (Cargo Ship Safety Equipment Survey) Regulations 2025* (S.I. No. 381 of 2025).

E211 Certain breaches of regulations made under section specified as criminal offences (4.04.2006) by *Sea-Fisheries and Maritime Jurisdiction Act 2006* (8/2006), s. 79(2), commenced on enactment.

E212 Power pursuant to section exercised (11.12.2012) by *Merchant Shipping (Collision Regulations) (Ships and Water Craft on the Water) Order 2012* (S.I. No. 507 of 2012).

E213 Previous affecting provision: power pursuant to section exercised (19.01.2005) by *Collision Regulations (Ships and Water Craft on The Water) (Amendment) Order 2005* (S.I. No. 47 of 2005), in effect as per art. 1(2); revoked (11.12.2012) by *Merchant Shipping (Collision Regulations) (Ships and Water Craft on the Water) Order 2012* (S.I. No. 507 of 2012), art. 7(d).

E214 Previous affecting provision: power pursuant to section exercised (1.10.1993) by *Collision Regulations (Ships and Water Craft on The Water) (Amendment) Order 1993* (S.I. No. 287 of 1993), in effect as per art. 1(2); revoked (11.12.2012) by *Merchant Shipping (Collision Regulations) (Ships and Water Craft on the Water) Order 2012* (S.I. No. 507 of 2012), art. 7(c).

E215 Previous affecting provision: power pursuant to section exercised (15.02.1990) by *Collision Regulations (Ships and Water Craft on The Water) (Amendment) Order 1990* (S.I. No. 36 of 1990), in effect as per art. 1(2); revoked (11.12.2012) by *Merchant Shipping (Collision Regulations) (Ships and Water Craft on the Water) Order 2012* (S.I. No. 507 of 2012), art. 7(b).

E216 Previous affecting provision: power pursuant to section exercised (7.02.1984) by *Collision Regulations (Ships and Water Craft on The Water) Order 1984* (S.I. No. 29 of 1984), art. 8, in effect as per art. 1(2); revoked (11.12.2012) by *Merchant Shipping (Collision Regulations) (Ships and Water Craft on the Water) Order 2012* (S.I. No. 507 of 2012), art. 7(a).

E217 Previous affecting provision: power pursuant to section exercised (15.07.1977) by *Collision Regulations (Ships and Water Craft on The Water) Order 1977* (S.I. No. 229 of 1977), in effect as per art. 1(2); revoked (7.02.1984) by *Collision Regulations (Ships and Water Craft on The Water) Order 1984* (S.I. No. 29 of 1984), art. 8, in effect as per art. 1(2).

E218 Previous affecting provision: power pursuant to section exercised (29.10.1975) by *Collision Regulations (Ships and Seaplanes on The Water) (Amendment) Order 1975* (S.I. No. 253 of 1975); revoked (15.07.1977) by *Collision Regulations (Ships and Water Craft on The Water) Order 1977* (S.I. No. 229 of 1977), art. 8, in effect as per art. 1(2).

E219 Previous affecting provision: power pursuant to section exercised (1.09.1965) by *Collision Regulations (Ships and Seaplanes on The Water) Order 1965* (S.I. No. 185 of 1965), in effect as per art. 1(2); revoked (15.07.1977) by *Collision Regulations (Ships and Water Craft on The Water) Order 1977* (S.I. No. 229 of 1977), art. 8, in effect as per art. 1(2).

E220 Previous affecting provision: power pursuant to section exercised (1.01.1954) by *Collision Regulations (Ships and Seaplanes on The Water) Order 1953* (S.I. No. 399 of 1953), in effect as per reg. 1(2); revoked (1.09.1965) by *Collision Regulations (Ships and Seaplanes on The Water) Order 1965* (S.I. No. 185 of 1965), art. 8, in effect as per art. 1(2).

Observance of collision regulations.

419.—(1) All owners and masters of ships shall obey the collision regulations, and shall not carry or exhibit any other lights, or use any other fog signals, than such as are required by those regulations.

(2) If an infringement of the collision regulations is caused by the wilful default of the master or owner of the ship, that master or owner shall, in respect of each offence, be guilty of a misdemeanor.

(3) If any damage to person or property arises from the non-observance by any ship of any of the collision regulations, the damage shall be deemed to have been occasioned by the wilful default of the person in charge of the deck of the ship at the

time, unless it is shown to the satisfaction of the court that the circumstances of the case made a departure from the regulation necessary.

(4) F165**[**...**]**

(5) The Board of Trade shall furnish a copy of the collision regulations to any master or owner of a ship who applies for it.

Annotations

Amendments:

F165 Repealed (16.12.1911) by *Maritime Conventions Act 1911* (1 & 2 Geo. 5) c. 57, s. 4(1), commenced on enactment.

Modifications (not altering text):

C123 Application of section extended (1.08.1936) by *Air Navigation and Transport Act 1936* (40/1936), s. 58(1), commenced on enactment.

Application to seaplanes of certain provisions of the Merchant Shipping Acts, relating to collisions at sea and signals of distress.

58. (1) The power conferred by sub-section (1) of section 418 of the Merchant Shipping Act, 1894, to make regulations for the prevention of collisions at sea shall include power to make regulations for the prevention of collisions at sea—

(a) between seaplanes on the surface of the water, and

(b) between vessels and seaplanes on the surface of the water;and accordingly the said section 418, and sections 419, 421 and 424 of the said Act, as amended by any subsequent enactment, shall apply in relation to seaplanes on the surface of the water as they apply in relation to ships or vessels, subject however to the following modifications, that is to say:—

(i) for the purpose of sub-section (2) of the said section 418, and for the purposes of the said section 424, sections 418, 419, 421, and 424 of the said Act shall be deemed to be the only provisions of Part V of the said Act relating to collision regulations or otherwise relating to collisions, and

(ii) any references in the said section 419 to the master or to the person in charge of the deck shall be construed as references to the pilot or other person on duty in charge of the seaplane.

...

Inspection as to lights and fog signals.

F166**[420.**—(1) A surveyor of ships may—

(*a*) survey any ship for compliance with regulations made under *section 418*,

(*b*) inspect any ship for the purpose of ensuring that the ship is properly provided with lights and means of making fog signals in conformity with regulations made under *section 418* and, if the surveyor finds that the ship is not so provided, he or she shall give to the master or owner notice in writing indicating the deficiencies and what is required to rectify them,

(*c*) board and inspect any ship for the purposes of ensuring that a deficiency is remedied in accordance with a notice under *paragraph (b)*, and

(*d*) for the purposes of a survey under *paragraph (a)* or inspection under *paragraph (b)* or *(c)*, carry out such tests (either on the ship, ashore or at dock), ask such questions, inspect such documents and records and have access to such systems or equipment as he or she considers appropriate for that purpose.

(2) Where a ship, in respect of which a notice has been given to its owner or master under *subsection (1)(b)*, proceeds or attempts to proceed to sea before the deficiencies

specified in the notice, which deficiencies are required to be remedied before proceeding to sea, have been addressed, then the person to whom the notice is addressed commits an offence and is liable—

(*a*) on summary conviction to a class A fine, or

(*b*) on conviction on indictment, to a fine not exceeding €100,000.

(3) The Minister may, with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, prescribe fees for any surveys, inspections or tests referred to in *subsection (1)* and different amounts may be prescribed in respect of different classes of surveys, inspections or tests.**]**

Annotations

Amendments:

F166 Substituted (1.06.2025) by *Merchant Shipping (Investigation of Marine Accidents) Act 2025* (2/2025), s. 52(1)(b), S.I. No. 188 of 2025.

Modifications (not altering text):

C124 Application of section modified (19.11.1953) by *Merchant Shipping (Safety Convention) Act 1952* (29/1952), s. 30(1), (2), S.I. No. 338 of 1953.

Miscellaneous privileges of ships holding Convention certificates.

30.—(1) Where an accepted Safety Convention certificate is produced in respect of a Safety Convention passenger steamer not registered in the State, the steamer shall be exempt from paragraphs (d) and (f) of subsection (1) of section 290 of the Principal Act (which relate to the equipments of emigrant ships) and section 420 of that Act (which relates to lights and fog-signals) and from the rules for life-saving appliances.

(2) Where an accepted Safety Convention certificate, being the equivalent of a safety equipment certificate, is produced in respect of a Safety Convention ship (other than a passenger steamer) not registered in the State, the ship shall be exempt from section 420 of the Principal Act (which relates to lights and fog-signals) and from the rules for life-saving appliances.

...

Editorial Notes:

E221 Previous affecting provision: reference to "any ship, British or foreign" in subs. (1) construed (22.12.1953) by *Merchant Shipping Act, 1894 (Adaptation) Order 1953* (S.I. No. 398 of 1953), art. 7; superseded as per F-note above.

Saving for local rules of navigation in harbours, &c.

421.—(1) Any rules made before or after the passing of this Act under the authority of any local Act, concerning lights and signals to be carried, or the steps for avoiding collision to be taken, by vessels navigating the waters of any harbour, river, or other inland navigation, shall, notwithstanding anything in this Act, have full effect.

(2) Where any such rules are not and cannot be made, Her Majesty in Council on the application of any person having authority over such waters, or, if there is no such person, any person interested in the navigation thereof, may make such rules, and those rules shall, as regards vessels navigating the said waters, be of the same force as if they were part of the collision regulations.

Annotations

Modifications (not altering text):

C125 Application of section extended (1.08.1936) by *Air Navigation and Transport Act 1936* (40/1936), s. 58(1), commenced on enactment.

Application to seaplanes of certain provisions of the Merchant Shipping Acts, relating to collisions at sea and signals of distress.

58. (1) The power conferred by sub-section (1) of section 418 of the Merchant Shipping Act, 1894, to make regulations for the prevention of collisions at sea shall include power to make regulations for the prevention of collisions at sea—

(a) between seaplanes on the surface of the water, and

(b) between vessels and seaplanes on the surface of the water;and accordingly the said section 418, and sections 419, 421 and 424 of the said Act, as amended by any subsequent enactment, shall apply in relation to seaplanes on the surface of the water as they apply in relation to ships or vessels, subject however to the following modifications, that is to say:—

(i) for the purpose of sub-section (2) of the said section 418, and for the purposes of the said section 424, sections 418, 419, 421, and 424 of the said Act shall be deemed to be the only provisions of Part V of the said Act relating to collision regulations or otherwise relating to collisions, and

(ii) any references in the said section 419 to the master or to the person in charge of the deck shall be construed as references to the pilot or other person on duty in charge of the seaplane.

...

Editorial Notes:

E222 Previous affecting provision: application of subs. (2) extended (1.08.1897) by *Mersey Channels Act 1897* (60 & 61 Vict.) c. 21, s. 2; repealed (8.05.2007) *Statute Law Revision Act 2007* (28/2007), ss. 2(1), 3(1) and sch. 2 part 4, commenced on enactment.

Duty of vessel to assist the other in case of collision.

422.—(1) In every case of collision between two vessels, it shall be the duty of the master or person in charge of each vessel, if and so far as he can do so without danger to his own vessel crew and passengers (if any),

(*a*) to render to the other vessel her master crew and passengers (if any) such assistance as may be practicable, and may be necessary to save them from any danger caused by the collision, and to stay by the other vessel until he has ascertained that she has no need of further assistance, and also

(*b*) to give to the master or person in charge of the other vessel the name of his own vessel and of the port to which she belongs, and also the names of the ports from which she comes and to which she is bound.

(2) F167**[**...**]**

(3) If the master or person in charge fails without reasonable cause to comply with this section, he shall be guilty of a misdemeanor, and, if he is a certificated officer, an inquiry into his conduct may he held, and his certificate cancelled or suspended.

Annotations

Amendments:

F167 Subs. (2) repealed (16.12.1911) by *Maritime Conventions Act 1911* (1 & 2 Geo. 5) c. 57, s. 4(2), commenced on enactment.

Modifications (not altering text):

C126 Application of section extended (1.09.1981) by *Merchant Shipping (Certification of Seamen) Act 1979* (37/1979), s. 9(1), S.I. No. 11 of 1981.

Inquiry into fitness or conduct of holder of certificate under this Act.

9.—(1) Where it appears to the Minister that the holder of a certificate under this Act—

(a) is unfit to discharge his duties, whether because of incompetence or for any other reason,

(b) has been seriously negligent in discharging his duties, or

(c) has failed to comply with section 422 of the Principal Act,

the Minister may cause an inquiry to be held by a person or persons appointed by him for that purpose and may, pending the outcome of the inquiry, suspend any certificate under this Act issued to the person in relation to whom the inquiry is to be held and require the holder to surrender the certificate to the Minister.

...

Collisions to be entered in official log.

423.—(1) In every case of collision, in which it is practicable so to do, the master of every ship shall immediately after the occurrence cause a statement thereof, and of the circumstances under which the same occurred, to be entered in the official log-book (if any), and the entry shall be signed by the master, and also by the mate or one of the crew.

(2) If the master fails to comply with this section, he shall for each offence be liable to a fine not exceeding twenty pounds.

Annotations

Editorial Notes:

E223 A fine of £20 translates into a Class C fine, not exceeding €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 6, table ref. no. 8, S.I. No. 662 of 2010.

Application of collision regulations to foreign ships.

424.—Whenever it is made to appear to Her Majesty in Council that the Government of any foreign country is willing that the collision regulations, or the provisions of this Part of this Act relating thereto or otherwise relating to collisions, or any of those regulations or provisions should apply to the ships of that country when beyond the limits of British jurisdiction, Her Majesty may, by Order in Council, direct that those regulations and provisions shall, subject to any limitation of time conditions and qualifications contained in the Order, apply ta the ships of the said foreign country, whether within British jurisdiction or not, and that such ship shall for the purpose of such regulations and provisions be treated as if they were British ships.

Annotations

Modifications (not altering text):

C127 Application of section extended (1.08.1936) by *Air Navigation and Transport Act 1936* (40/1936), s. 58(1), commenced on enactment.

Application to seaplanes of certain provisions of the Merchant Shipping Acts, relating to collisions at sea and signals of distress.

58. (1) The power conferred by sub-section (1) of section 418 of the Merchant Shipping Act, 1894, to make regulations for the prevention of collisions at sea shall include power to make regulations for the prevention of collisions at sea—

(a) between seaplanes on the surface of the water, and

(b) between vessels and seaplanes on the surface of the water;and accordingly the said section 418, and sections 419, 421 and 424 of the said Act, as amended by any subsequent enactment, shall apply in relation to seaplanes on the surface of the water as they apply in relation to ships or vessels, subject however to the following modifications, that is to say:—

(i) for the purpose of sub-section (2) of the said section 418, and for the purposes of the said section 424, sections 418, 419, 421, and 424 of the said Act shall be deemed to be the only provisions of Part V of the said Act relating to collision regulations or otherwise relating to collisions, and

(ii) any references in the said section 419 to the master or to the person in charge of the deck shall be construed as references to the pilot or other person on duty in charge of the seaplane.

...

C128 References construed (22.12.1953) by *Merchant Shipping Act 1894 (Adaptation) Order 1953* (S.I. No. 398 of 1953), arts. 5, 6.

5. The references in subsection (2) of section 418 and in section 424 of the Act to "British jurisdiction" and "British court" shall be construed as references to "the jurisdiction of the State" and "a court in the State," respectively.

6. The references in subsection (2) of section 418 and in section 424 of the Act to "British ships" shall be construed as references to Irish ships.

Editorial Notes:

E224 Power pursuant to section exercised (11.12.2012) by *Merchant Shipping (Collision Regulations) (Ships and Water Craft on the Water) Order 2012* (S.I. No. 507 of 2012).

E225 Previous affecting provision: power pursuant to section exercised (19.01.2005) by *Collision Regulations (Ships and Water Craft on The Water) (Amendment) Order 2005* (S.I. No. 47 of 2005), in effect as per art. 1(2); revoked (11.12.2012) by *Merchant Shipping (Collision Regulations) (Ships and Water Craft on the Water) Order 2012* (S.I. No. 507 of 2012), art. 7(d).

E226 Previous affecting provision: power pursuant to section exercised (1.10.1993) by *Collision Regulations (Ships and Water Craft on The Water) (Amendment) Order 1993* (S.I. No. 287 of 1993), in effect as per art. 1(2); revoked (11.12.2012) by *Merchant Shipping (Collision Regulations) (Ships and Water Craft on the Water) Order 2012* (S.I. No. 507 of 2012), art. 7(c).

E227 Previous affecting provision: power pursuant to section exercised (15.02.1990) by *Collision Regulations (Ships and Water Craft on The Water) (Amendment) Order 1990* (S.I. No. 36 of 1990), in effect as per art. 1(2); revoked (11.12.2012) by *Merchant Shipping (Collision Regulations) (Ships and Water Craft on the Water) Order 2012* (S.I. No. 507 of 2012), art. 7(b).

E228 Previous affecting provision: power pursuant to section exercised (7.02.1984) by *Collision Regulations (Ships and Water Craft on The Water) Order 1984* (S.I. No. 29 of 1984), art. 8, in effect as per art. 1(2); revoked (11.12.2012) by *Merchant Shipping (Collision Regulations) (Ships and Water Craft on the Water) Order 2012* (S.I. No. 507 of 2012), art. 7(a).

E229 Previous affecting provision: power pursuant to section exercised (15.07.1977) by *Collision Regulations (Ships and Water Craft on The Water) Order 1977* (S.I. No. 229 of 1977), in effect as per art. 1(2); revoked (7.02.1984) by *Collision Regulations (Ships and Water Craft on The Water) Order 1984* (S.I. No. 29 of 1984), art. 8, in effect as per art. 1(2).

E230 Previous affecting provision: power pursuant to section exercised (29.10.1975) by *Collision Regulations (Ships and Seaplanes on The Water) (Amendment) Order 1975* (S.I. No. 253 of 1975); revoked (15.07.1977) by *Collision Regulations (Ships and Water Craft on The Water) Order 1977* (S.I. No. 229 of 1977), art. 8, in effect as per art. 1(2).

E231 Previous affecting provision: power pursuant to section exercised (1.09.1965) by *Collision Regulations (Ships and Seaplanes on The Water) Order 1965* (S.I. No. 185 of 1965), in effect as per art. 1(2); revoked (15.07.1977) by *Collision Regulations (Ships and Water Craft on The Water) Order 1977* (S.I. No. 229 of 1977), art. 8, in effect as per art. 1(2).

E232 Previous affecting provision: power pursuant to section exercised (1.01.1954) by *Collision Regulations (Ships and Seaplanes on The Water) Order 1953* (S.I. No. 399 of 1953), in effect as per reg. 1(2); revoked (1.09.1965) by *Collision Regulations (Ships and Seaplanes on The Water) Order 1965* (S.I. No. 185 of 1965), art. 8, in effect as per art. 1(2).

E233 Previous affecting provision: power pursuant to section exercised (16.01.1968) by *Collision Regulations (Ships and Seaplanes on The Water) (Amendment) Order 1968* (S.I. No. 18 of 1968); revoked (29.10.1975) by *Collision Regulations (Ships and Seaplanes on The Water) (Amendment) Order 1975* (S.I. No. 253 of 1975), art. 4.

E234 Previous affecting provision: power pursuant to section exercised (1.09.1965) by *Collision Regulations (Ships and Seaplanes on The Water) Order 1965* (S.I. No. 185 of 1965), in effect as per art. 1(2); revoked (15.07.1977) by *Collision Regulations (Ships and Water Craft on The Water) Order 1977* (S.I. No. 229 of 1977), art. 8, in effect as per art. 1(2).

E235 Previous affecting provision: power pursuant to section exercised (1.01.1954) by *Collision Regulations (Ships and Seaplanes on The Water) Order 1953* (S.I. No. 399 of 1953), in effect as per reg. 1(2); revoked (1.09.1965) by *Collision Regulations (Ships and Seaplanes on The Water) Order 1965* (S.I. No. 185 of 1965), in effect as per art. 1(2).

Report of Accidents and Loss of Ship.

Report to Board of Trade of accidents to steamships.

425.—F168**[**...**]**

Annotations

Amendments:

F168 Repealed (5.06.2002) by *Merchant Shipping (Investigation of Marine Casualties) Act 2000* (14/2000), s. 6, S.I. No 289 of 2002.

Notice of loss of British ship to be given to the Board of Trade.

426.—F169**[**...**]**

Annotations

Amendments:

F169 Repealed (5.06.2002) by *Merchant Shipping (Investigation of Marine Casualties) Act 2000* (14/2000), s. 6, S.I. No 289 of 2002.

Life-saving Appliances.

Rules as to life-saving appliances.

F170**[427.**—F171**[**...**]]**

Annotations:

Amendments:

F170 Substituted (19.11.1953) by *Merchant Shipping (Safety Convention) Act 1952* (29/1952), s. 11, S.I. No. 338 of 1953.

F171 Repealed (3.07.2010) by *Merchant Shipping Act 2010* (14/2010) s. 82(10)(a), commenced on enactment.

Editorial Notes:

E236 Previous affecting provision: power pursuant to section exercised (1.04.2000) by *Merchant Shipping (Life-Saving Appliances) (Amendment) Rules 1999* (S.I. No. 368 of 1999), in effect as per rule 1; rendered obsolete by revocation of *Merchant Shipping (Life-Saving Appliances) Rules 1967* (S.I. No. 100 of 1967) (1.12.1983) by *Merchant Shipping (Life-Saving Appliances) Rules 1983* (S.I. No. 302 of 1983), rule 1(4), in effect as per rule 1(2), and (1.10.2007, 1.10.2008, 1.10.2009. 1.10.2010) by *Merchant Shipping (Safety of Fishing Vessels) (15-24 Metres) Regulations 2007* (S.I. No. 640 of 2007), reg. 12(3)(b), in effect as per reg. 1(2). Further, rendered inoperative by repeal of enabling provisions as per F-note above and (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 82(10)(c), commenced on enactment.

E237 Previous affecting provision: power pursuant to section exercised (3.05.1994) by *Merchant Shipping (Cargo Ship Safety Equipment Survey) (Amendment) Rules 1994* (S.I. No. 29 of 1994), in effect as per rule 1; section repealed as per F-note above.

E238 Previous affecting provision: power pursuant to section exercised (1.04.1994) by *Merchant Shipping (Life-Saving Appliances) Rules, 1983 (Amendment) (No. 2) Rules 1993* (S.I. No. 382 of 1993), in effect as per rule 1; rendered inoperative by repeal of enabling provisions as per F-note above and (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 82(10)(d), commenced on enactment.

E239 Previous affecting provision: power pursuant to section exercised (1.04.1994) by *Merchant Shipping (Life-Saving Appliances) Rules, 1983 (Amendment) Rules 1993* (S.I. No. 381 of 1993), in effect as per rule 1; rendered inoperative by repeal of enabling provisions as per F-note above and (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 82(10)(d), commenced on enactment.

E240 Previous affecting provision: power pursuant to section exercised (1.04.1994) by *Merchant Shipping (Life-Saving Appliances) Rules 1993* (S.I. No. 380 of 1993), in effect as per rule 1; rendered inoperative by repeal of enabling provisions as per F-note above and (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 82(10)(d), commenced on enactment.

E241 Previous affecting provision: power pursuant to section exercised (1.02.1993) by *Merchant Shipping (Pilot Ladders and Hoists) Rules 1993* (S.I. No. 55 of 1993), in effect as per rule 1; revoked (22.12.2020) by *Merchant Shipping (Pilot Transfer Arrangements) Rules 2020* (S.I. No. 686 of 2020), rule 13.

E242 Previous affecting provision: power pursuant to section exercised (1.02.1993) by *Merchant Shipping (Musters and Training) (Amendment) Rules 1993* (S.I. No. 7 of 1993), in effect as per rule 1; rendered inoperative by repeal of enabling provision, repealed as per F-note above.

E243 Previous affecting provision: power pursuant to section exercised (14.12.1992) by *Merchant Shipping (Emergency Information For Passengers) Rules 1992* (S.I. No. 392 of 1992), in effect as per rule 1(1); rendered inoperative by repeal of enabling provision, repealed as per F-note above.

E244 Previous affecting provision: power pursuant to section exercised (14.12.1992) by *Merchant Shipping (Passenger Counting and Recording Systems) Rules 1992* (S.I. No. 390 of 1992), in effect as per rule 1(1); rendered inoperative by repeal of enabling provision, repealed as per F-note above.

E245 Previous affecting provision: power pursuant to section exercised (16.09.1985) by *Merchant Shipping (Fire Protection) (Amendment) Rules 1990* (S.I. No. 86 of 1990), in effect as per rule 1; section repealed as per F-note above.

E246 Previous affecting provision: power pursuant to section exercised (23.04.1985) by *Merchant Shipping (Musters and Training) Rules 1990* (S.I. No. 85 of 1990), in effect as per rule 1(1); section repealed as per F-note above.

E247 Previous affecting provision: power pursuant to section exercised (16.09.1985) by *Merchant Shipping (Fire Protection) Rules 1985* (S.I. No. 279 of 1985), in effect as per rule 1(1); section repealed as per F-note above.

E248 Previous affecting provision: power pursuant to section exercised (16.09.1985) by *Merchant Shipping (Fire Appliances) (Post 1980 Ships) (Amendment) Rules 1985* (S.I. No. 278 of 1985), in effect as per rule 1; rendered obsolete by inoperativeness of *Merchant Shipping (Fire Appliances) (Post-1980 Ships) Rules 1983* (S.I. No. 303 of 1983), in effect as per rule 1, enabling provision repealed as per F-note above. Further, rendered inoperative by repeal of enabling provision as per F-note above.

E249 Previous affecting provision: power pursuant to section exercised (2.09.1985) by *Merchant Shipping (Fire Appliances) (Amendment) Rules 1985* (S.I. No. 277 of 1985); rendered obsolete by inoperativeness of *Merchant Shipping (Fire Appliances) Rules 1967* (S.I. No. 101 of 1967), in effect as per rule 1(2), rendered inoperative by repeal of enabling provisions as per F-note above and (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 82(10)(c), commenced on enactment. Further, rendered inoperative by repeal of enabling provision as per F-note above.

E250 Previous affecting provision: power pursuant to section exercised (19.10.1984) by *Merchant Shipping (Certificates of Proficiency in Survival Craft) Regulations 1984* (S.I. No. 191 of 1984), in effect as per reg. 1(2); revoked (30.12.1998) by *Merchant Shipping (Training, and Certification) Regulations 1998* (S.I. No. 553 of 1990), reg. 1(2) and sch.

E251 Previous affecting provision: power pursuant to section exercised (1.12.1983) by *Merchant Shipping (Musters) Rules 1983* (S.I. No. 316 of 1983), in effect as per rule 1; revoked (23.04.1990) by *Merchant Shipping (Musters and Training) Rules 1990* (S.I. No. 85 of 1990), rule 1(2), in effect as per rule 1(1).

E252 Previous affecting provision: power pursuant to section exercised (1.12.1983) by *Merchant Shipping (Pilot Ladders and Hoists) Rules 1983* (S.I. No. 314 of 1983), in effect as per rule 1; rendered inoperative by repeal of enabling provisions as per F-note above and (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 82(10)(d), commenced on enactment.

E253 Previous affecting provision: power pursuant to section exercised (1.12.1983) by *Merchant Shipping (Cargo Ship Safety Equipment Survey) Rules 1983* (S.I. No. 312 of 1983), in effect as per rule 1(1); section repealed as per F-note above.

E254 Previous affecting provision: power pursuant to section exercised (1.12.1983) by *Merchant Shipping (Fire Appliances - Application To Other Ships) Rules 1983* (S.I. No. 305 of 1983), in effect as per rule 1; rendered inoperative by repeal of enabling provisions as per F-note above and (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 82(10)(c), commenced on enactment.

E255 Previous affecting provision: power pursuant to section exercised (18.10.1983) by *Merchant Shipping (Fire Appliances) (Amendment) Rules 1983* (S.I. No. 304 of 1983); rendered inoperative by repeal of enabling provision as per F-note above.

E256 Previous affecting provision: power pursuant to section exercised (1.12.1983) by *Merchant Shipping (Fire Appliances) (Post-1980 Ships) Rules 1983* (S.I. No. 303 of 1983), in effect as per rule 1; rendered inoperative by repeal of enabling provision as per F-note above.

E257 Previous affecting provision: power pursuant to section exercised (1.12.1983) by *Merchant Shipping (Life-Saving Appliances) Rules 1983* (S.I. No. 302 of 1983), in effect as per rule 1; rendered inoperative by repeal of enabling provisions as per F-note above and (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 82(10)(c), commenced on enactment.

E258 Previous affecting provision: subs. (1)(p) substituted (25.01.1983) by *Merchant Shipping Act 1981* (33/1981), s. 6, S.I. No. 15 of 1983; section repealed as per F-note above.

E259 Previous affecting provision: power pursuant to section exercised (24.07.1978) by *Merchant Shipping (Life-Saving Appliances) (Amendment) Rules 1978* (S.I. No. 216 of 1978); rendered obsolete by revocation of *Merchant Shipping (Lifesaving Appliances) Rules 1967* (S.I. No. 100 of 1967) (1.12.1983) by *Merchant Shipping (Life-Saving Appliances) Rules 1983* (S.I. No. 302 of 1983), rule 1(3), in effect as per rule 1(2). Further, rendered inoperative by repeal of enabling provisions as per F-note above and (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 82(10)(c), commenced on enactment.

E260 Previous affecting provision: power pursuant to section exercised (1.12.1972) by *Merchant Shipping (Pilot Ladders) (Amendment) Rules 1972* (S.I. No. 223 of 1972), in effect as per rule 1(2); rendered obsolete by revocation of *Merchant Shipping (Pilot Ladders) Rules 1967* (S.I. No. 107 of 1967) (1.01.1994) by *Merchant Shipping (Pilot Ladders and Hoists) Rules 1993* (S.I. No. 55 of 1993), rule 2, in effect as per rule 1.

E261 Previous affecting provision: power pursuant to section exercised (1.11.1972) by *Merchant Shipping (Life-Saving Appliances) (Amendment) Rules 1972* (S.I. No. 178 of 1972); rendered obsolete by revocation of *Merchant Shipping (Lifesaving Appliances) Rules 1967* (S.I. No. 100 of 1967) (1.12.1983) by *Merchant Shipping (Life-Saving Appliances) Rules 1983* (S.I. No. 302 of 1983), rule 1(3), in effect as per rule 1(2). Further, rendered inoperative by repeal of enabling provisions as per F-note above and (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 82(10)(c), commenced on enactment.

E262 Previous affecting provision: power pursuant to section exercised (14.05.1967) by *Merchant Shipping (Pilot Ladders) Rules 1967* (S.I. No. 107 of 1967), in effect as per rule 1(2); revoked in respect of ships on which equipment and arrangements for pilot transfer are installed on or after 1 January 1994 (1.01.1994) by *Merchant Shipping (Pilot Ladders and Hoists) Rules 1993* (S.I. No. 55 of 1993), rule 2, in effect as per rule 1. Further, rendered inoperative by repeal of enabling provisions as per F-note above and (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 82(10)(c), commenced on enactment.

E263 Previous affecting provision: power pursuant to section exercised (14.05.1967) by *Merchant Shipping (Musters) Rules 1967* (S.I. No. 106 of 1967), in effect as per rule 1(2); rendered inoperative by repeal of enabling provisions as per F-note above and (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 82(10)(c), commenced on enactment.

E264 Previous affecting provision: power pursuant to section exercised (14.05.1967) by *Merchant Shipping (Fire Appliances) Rules 1967* (S.I. No. 101 of 1967), in effect as per rule 1(2); rendered inoperative by repeal of enabling provisions as per F-note above and (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 82(10)(c), commenced on enactment.

E265 Previous affecting provision: power pursuant to section exercised (14.05.1967) by *Merchant Shipping (Lifesaving Appliances) Rules 1967* (S.I. No. 100 of 1967), in effect as per rule 1(2); revoked except insofar as they apply in relation to ships of Class X (fishing boats) (15.05.1967) by *Merchant Shipping (Life-Saving Appliances) Rules 1983* (S.I. No. 302 of 1983), rule 1(3), in effect as per rule 1(2). Further, rendered inoperative by repeal of enabling provisions as per F-note above and (3.07.2010) by *Merchant Shipping Act 2010* (14/2010), s. 82(10)(c), commenced on enactment.

E266 Previous affecting provision: subs. (1)(e) amended (14.05.1967) by *Merchant Shipping Act 1966* (20/1966), s. 10(a), S.I. No. 54 of 1967; section repealed as per F-note above.

E267 Previous affecting provision: subs. (1)(mm) inserted (14.05.1967) by *Merchant Shipping Act 1966* (20/1966), s. 10(b), S.I. No. 54 of 1967; section repealed as per F-note above.

E268 Previous affecting provision: subs. (1)(q) modified (14.05.1967) by *Merchant Shipping Act 1966* (20/1966), s. 10(c), S.I. No. 54 of 1967; section repealed as per F-note above.

E269 Previous affecting provision: power pursuant to section exercised (1.04.1960) by *Merchant Shipping (Life-Saving Appliances) Rules 1960* (S.I. No. 29 of 1960), in effect as per rule 1(2); revoked (15.05.1967) by *Merchant Shipping (Life-Saving Appliances) Rules 1967* (S.I. No. 100 of 1967), rule 1(4), in effect as per rule 1(1).

E270 Previous affecting provision: power pursuant to section exercised (19.11.1953) by *Merchant Shipping (Life-Saving and Fire Appliances) Rules 1953* (S.I. No. 341 of 1953), in effect as per rule 1(5); revoked (other than Part I (rule 1, Interpretation and repeals)):

- (1.04.1960) by *Merchant Shipping (Life-Saving Appliances) Rules 1960* (S.I. No. 29 of 1960), rule 5, in effect as per rule 1(2) - Part II
- (14.05.1967) by Merchant Shipping (Fire Appliances) Rules 1967 (S.I. No. 101 of 1967). rule 1(3), in effect as per rule 1(2) - Part III
- (14.05.1967) by *Merchant Shipping (Musters) Rules 1967* (S.I. No. 106 of 1967), rule 1(3), in effect as per rule 1(2) - Part IV

• (14.05.1967) by *Merchant Shipping (Pilot Ladders) Rules 1967* (S.I. No. 107 of 1967), rule 1(3), in effect as per rule 1(2) - Part V

E271 Previous affecting provision: power pursuant to section exercised (1.01.1948) by *Merchant Shipping (Life-Saving Appliances) (Amendment) Rules 1947* (S.I. No. 267 of 1947), in effect as per rule 2; revoked (19.11.1953) by *Merchant Shipping (Life-Saving and Fire Appliances) Rules 1953* (S.I. No. 341 of 1953), rule 1(6), in effect as per rule 1(5).

E272 Previous affecting provision: subs. (3) repealed (14.06.1939) by *Merchant Shipping (Amendment) Act 1939* (12/1939), s. 7, commenced on enactment; section substituted as per F-note above.

E273 Previous affecting provision: power of Minister to make rules under section extended (14.06.1939) by *Merchant Shipping (Amendment) Act 1939* (12/1939), s. 4, commenced on enactment; repealed (4.10.1968) by *Merchant Shipping (Load Lines) Act 1968* (17/1968), s. 31(1) and sch., S.I. No. 206 of 1968.

E274 Previous affecting provision: power pursuant to section exercised (28.09.1938) by *Merchant Shipping (Life-Saving Appliances) Rules 1938* (S.R. & O. No. 155 of 1938); revoked (19.11.1953) by *Merchant Shipping (Life-Saving and Fire Appliances) Rules 1953* (S.I. No. 341 of 1953), rule 1(6), in effect as per rule 1(5).

E275 Previous affecting provision: subs. (2) repealed (1.01.1934) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 34(5), S.I. No. 174 of 1933; section substituted as per F-note above.

E276 Previous affecting provision: power of Minister to make rules under section extended (1.01.1934) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933) s. 5(1), S.I. No. 174 of 1933; repealed (4.10.1968) by *Merchant Shipping (Load Lines) Act 1968* (17/1968), s. 31(1) and sch., S.I. No. 206 of 1968.

E277 Previous affecting provision: application of section extended by *Merchant Shipping (Convention) Act 1914* (4 & 5 Geo. 5) c. 50, s. 11(2), not commenced as per s. 29(5) prior to Independence because of repeated Orders in Council postponing commencement and not commenced subsequently; 1914 Act repealed (3.11.1933) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 67(2) and sch. 2 part III, commenced on enactment.

E278 Previous affecting provision: subs. (2) repealed by *Merchant Shipping (Convention) Act 1914* (4 & 5 Geo. 5) c. 50, s. 11(2), not commenced as per s. 29(5) prior to Independence because of repeated Orders in Council postponing commencement and not commenced subsequently; 1914 Act repealed (3.11.1933) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 67(2) and sch. 2 part III, commenced on enactment.

E279 Previous affecting provision: application of section extended to enable making of regulations under section in relation to foreign ships while within any port of the United Kingdom (1.06.1907) by *Merchant Shipping Act 1906* (6 & 7 Edw. 7) c. 48, s. 4, in effect as per s. 86(2); repealed (19.11.1953) by *Merchant Shipping (Safety Convention) Act 1952* (29/1953), s. 8 and sch. 1, S.I. No. 138 of 1953.

Duties of owners and masters as to carrying life-saving appliances.

428.—F172**[...]**

Annotations

Amendments:

F172 Repealed (3.07.2010) by *Merchant Shipping Act 2010* (14/2010) s. 82(10)(a), commenced on enactment.

Editorial Notes:

E280 Previous affecting provision: application of section extended to enable making of regulations under section in relation to foreign ships while within any port of the United Kingdom (1.06.1907) by *Merchant Shipping Act 1906* (6 & 7 Edw. 7) c. 48, s. 4, in effect as per s. 86(2); repealed (19.11.1953) by *Merchant Shipping (Safety Convention) Act 1952* (29/1953), s. 8 and sch. 1, S.I. No. 138 of 1953.

Appointment of consultative committee for framing rules.

429.—F173**[**...**]**

Annotations

Amendments:

F173 Repealed (3.07.2010) by *Merchant Shipping Act 2010* (14/2010) s. 82(10)(a), commenced on enactment.

Editorial Notes:

E281 Previous affecting provision: application of section extended to enable making of regulations under section in relation to foreign ships while within any port of the United Kingdom (1.06.1907) by *Merchant Shipping Act 1906* (6 & 7 Edw. 7) c. 48, s. 4, in effect as per s. 86(2); repealed (19.11.1953) by *Merchant Shipping (Safety Convention) Act 1952* (29/1953), s. 8 and sch. 1, S.I. No. 138 of 1953.

Penalty for breach of rules.

430.—F174**[**...**]**

Annotations

Amendments:

F174 Repealed (3.07.2010) by *Merchant Shipping Act 2010* (14/2010) s. 82(10)(a), commenced on enactment.

Editorial Notes:

E282 Previous affecting provision: subs. (1)(e) inserted (19.11.1953) *Merchant Shipping (Safety Convention) Act 1952* (29/1952), s. 12, S.I. No. 338 of 1953; section repealed as per F-note above.

E283 Previous affecting provision: subs. (1)(e) inserted (1.01.1934) *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 5(2), S.I. No. 174 of 1933; superseded as per E-note above.

E284 Previous affecting provision: application of subs. (2), (3) extended by *Merchant Shipping (Convention) Act 1914* (4 & 5 Geo. 5) c. 50, s. 11(2), not commenced as per s. 29(5) prior to Independence because of repeated Orders in Council postponing commencement and not commenced subsequently; repealed (3.11.1933) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 67(2) and sch. 2 part III, commenced on enactment.

E285 Previous affecting provision: application of section extended to enable making of regulations under section in relation to foreign ships while within any port of the United Kingdom (1.06.1907) by *Merchant Shipping Act 1906* (6 & 7 Edw. 7) c. 48, s. 4, in effect as per s. 86(2); repealed (19.11.1953) by *Merchant Shipping (Safety Convention) Act 1952* (29/1953), s. 8 and sch. 1, S.I. No. 138 of 1953.

Survey of ship with respect to life-saving appliances.

431.—F175**[...]**

Annotations

Amendments:

F175 Repealed (3.07.2010) by *Merchant Shipping Act 2010* (14/2010) s. 82 (10)(a), commenced on enactment.

Editorial Notes:

E286 Previous affecting provision: fees prescribed (14.12.1998) by *Merchant Shipping (Fees) Order 1998* (S.I. No. 475 of 1998), art. 3 and sch. 1 part 5, in effect as per reg. 1(1); revoked (15.12.2010) by *Merchant Shipping (Fees) Order 2010* (S.I. No. 594 of 2010), reg. 12, in effect as per reg. 1(2).

E287 Previous affecting provision: section substituted (19.11.1953) *Merchant Shipping (Safety Convention) Act 1952* (29/1952), s. 13, S.I. No. 338 of 1953; section repealed as per F-note above.

E288 Previous affecting provision: section substituted (1.01.1934) *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 5(3), S.I. No. 174 of 1933; section substituted as per E-note above.

E289 Previous affecting provision: application of section extended to enable making of regulations under section in relation to foreign ships while within any port of the United Kingdom (1.06.1907) by *Merchant Shipping Act 1906* (6 & 7 Edw. 7) c. 48, s. 4, in effect as per s. 86(2); repealed (19.11.1953) by *Merchant Shipping (Safety Convention) Act 1952* (29/1953), s. 8 and sch. 1, S.I. No. 138 of 1953.

General Equipment.

Adjustment of compasses and provision of hose.

432.—(1) Every British sea-going steamship if employed to carry passengers, shall have her compasses properly adjusted from time to time; and every British sea-going steamship not used wholly as a tug shall be provided with a hose capable of being connected with the engines of the ship, and adapted for extinguishing fire in any part of the ship.

(2) If any such British sea-going steamship plies or goes to sea from any port in the United Kingdom and any requirement of this section is not complied with, then for each matter in which default is made, the owner (if in fault) shall be liable to a fine not exceeding one hundred pounds, and the master (if in fault) shall be liable to a fine not exceeding fifty pounds.

Annotations

Editorial Notes:

E290 A fine of £100 translates into a Class A fine, not exceeding €5,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 4, table ref. no. 8, S.I. No. 662 of 2010.

E291 A fine of £50 translates into a Class B fine, not exceeding €4,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 5, table ref. no. 8, S.I. No. 662 of 2010.

Placing undue weight on safety valve.

433.—A person shall not place an undue weight on the safety valve of any steamship, and if he does so he shall, in addition to any other liability he may incur by so doing, be liable for each offence to a fine not exceeding one hundred pounds.

Annotations

Editorial Notes:

E292 A fine of £100 translates into a Class A fine, not exceeding €5,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 4, table ref. no. 8, S.I. No. 662 of 2010.

Signals of Distress.

Signals of distress.

434.—F176**[**...**]**

Annotations

Amendments:

F176 Repealed (1.01.1934) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 36(2) and sch. 2 part I, S.I. No. 174 of 1933.

Provision of signals of distress, inextinguishable lights, and life-buoys.

435.—F177**[**...**]**

Annotations

Amendments:

F177 Repealed (19.11.1953) by *Merchant Shipping (Safety Convention) Act 1952* (29/1952) s. 8 and sch. 1, S.I. No. 338 of 1953

Draught of Water and Load-Line.

Ship's draught of water to be recorded.

436.—(1) The Board of Trade may, in any case or class of cases in which they think it expedient to do so, direct any person appointed by them for the purpose, to record, in such manner and with such particulars as they direct, the draught of water of any sea-going ship, as shown on the scale of feet on her stem and stern post, and the extent of herF178**[**free board**]** in feet and inches, upon her leaving any dock, wharf, port, or harbour for the purpose of proceeding to sea, and the person so appointed shall thereupon keep that record, and shall forward a copy thereof to the Board of Trade.

(2) That record or copy, if produced out of the custody of the Board of Trade, shall be admissible in evidence in manner provided by this Act.

(3) The master of every British sea-going ship shall, upon her leaving any dock, wharf, port, or harbour for the purpose of proceeding to sea, record her draught of water and the extent of her F178**[**free board**]** in the official log-book (if any), and shall produce the record to any chief officer of customs whenever required by him, and if he fails without reasonable cause to produce the record shall for each offence be liable to a fine not exceeding twenty pounds.

(4) The master of a sea-going ship shall, upon the request of any person appointed to record the ship's draught of water permit that person to enter the ship and to make such inspections and take such measurements as may be requisite for the

purpose of the record; and if any master fails to do so, or impedes, or suffers anyone under his control to impede, any person so appointed in the execution of his duty, he shall for each offence be liable to a fine not exceeding five pounds.

F179**[**(5) In this section, the expression 'free-board' means, in the case of any ship which is marked with a deck-line, the height from the water to the upper edge of the deck-line, and, in the case of any other ship, the height amidship from the water to the upper edge of the deck from which the depth of hold as stated in the register is measured.**]**

Annotations

Amendments:

F178 Substituted (1.01.1934) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 58(1), S.I. No. 174 of 1933.

F179 Substituted (1.01.1934) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 58(3), S.I. No. 174 of 1933.

Modifications (not altering text):

C129 Application of subs. (3) restricted (4.10.1968) by *Merchant Shipping (Load Lines) Act 1968* (17/1968), s. 27(4), S.I. No. 206 of 1968.

Miscellaneous supplementary provisions.

27.— ...

(4) Section 436 (3) of the Merchant Shipping Act, 1894, shall not have effect in relation to ships to which this Act applies, except any such ship which, by virtue of any order made or exemption conferred under this Act, is exempt from all the provisions of this Act.

...

Editorial Notes:

E293 A fine of £20 translates into a Class C fine, not exceeding €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 6, table ref. no. 8, S.I. No. 662 of 2010.

E294 A fine of £5 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

E295 Previous affecting provision: application of subs. (3) restricted (1.01.1934) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 58(2), S.I. No. 174 of 1933; repealed (4.10.1968) by *Merchant Shipping (Load Lines) Act 1968* (17/1968), s. 31 and sch., S.I. No. 206 of 1968.

Marking of deck-lines.

437.—F180**[**...**]**

Annotations

Amendments:

F180 Repealed (1.01.1934) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 61(2) and sch. 2 part II, S.I. No. 174 of 1933.

Editorial Notes:

E296 Previous affecting provision: application of section extended (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 1, commenced as per s. 86(2); s. 1 repealed (1.01.1934) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 61(2) and sch. 2 part II, S.I. No. 174 of 1933.

E297 Previous affecting provision: application of section restricted (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 7, commenced as per s. 86(2); s. 7 repealed (1.01.1934) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 61(2) and sch. 2 part II, S.I. No. 174 of 1933.

Marking of load-line.

438.—F181**[**...**]**

Annotations

Amendments:

F181 Repealed (1.01.1934) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 61(2) and sch. 2 part II, S.I. No. 174 of 1933.

Editorial Notes:

E298 Previous affecting provision: application of section extended (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 1, commenced as per s. 86(2); s. 1 repealed (1.01.1934) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 61(2) and sch. 2 part II, S.I. No. 174 of 1933.

E299 Previous affecting provision: application of section restricted (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 7, commenced as per s. 86(2); s. 7 repealed (1.01.1934) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 61(2) and sch. 2 part II, S.I. No. 174 of 1933.

Ships with submerged load-lines deemed unsafe.

439.—F182**[**...**]**

Annotations

Amendments:

F182 Repealed (1.01.1934) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 61(2) and sch. 2 part II, S.I. No. 174 of 1933.

Editorial Notes:

E300 Previous affecting provision: application of section extended (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 1, commenced as per s. 86(2); s. 1 repealed (1.01.1934) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 61(2) and sch. 2 part II, S.I. No. 174 of 1933.

Time, &c. for marking of load-line in case of foreign-going vessels

440.—F183**[**...**]**

Annotations

Amendments:

F183 Repealed (1.01.1934) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 61(2) and sch. 2 part II, S.I. No. 174 of 1933.

Editorial Notes:

E301 Previous affecting provision: application of section extended and modified (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, ss. 1, 8, commenced as per s. 86(2); ss. 1, 8 repealed (1.01.1934) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 61(2) and sch. 2 part II, S.I. No. 174 of 1933.

Time, &c. for marking of load-line in case of coasting vessels

441.—F184**[**...**]**

Annotations

Amendments:

F184 Repealed (1.01.1934) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 61(2) and sch. 2 part II, S.I. No. 174 of 1933.

Editorial Notes:

E302 Previous affecting provision: application of section extended (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 1, commenced as per s. 86(2); s. 1 repealed (1.01.1934) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 61(2) and sch. 2 part II, S.I. No. 174 of 1933.

Penalty for offences in relation to marking of load-line.

442.—F185**[**...**]**

Annotations

Amendments:

F185 Repealed (1.01.1934) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 61(2) and sch. 2 part II, S.I. No. 174 of 1933.

Editorial Notes:

E303 Previous affecting provision: application of section extended (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 1, commenced as per s. 86(2); s. 1 repealed (1.01.1934) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 61(2) and sch. 2 part II, S.I. No. 174 of 1933.

Regulations as to load-line.

443.—F186**[**...**]**

Annotations

Amendments:

F186 Repealed (1.01.1934) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 61(2) and sch. 2 part II, S.I. No. 174 of 1933.

Editorial Notes:

E304 Previous affecting provision: power pursuant to subs. (2) exercised (1.01.1931) by *Merchant Shipping Safety (Load Line) Regulations 1930* (S.R. & O. No. 84 of 1930), in effect as per reg. 1; rendered inoperative by repeal of enabling provision.

E305 Previous affecting provision: application of section extended and modified (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, ss. 1, 8, commenced as per s. 86(2); ss. 1, 8 repealed (1.01.1934) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 61(2) and sch. 2 part II, S.I. No. 174 of 1933.

Provision as to colonial ships with respect to load-lines.

444.—F187**[**...**]**

Annotations

Amendments:

F187 Repealed (1.01.1934) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 61(2) and sch. 2 part II, S.I. No. 174 of 1933.

Provision as to foreign ships with respect to load-lines.

445.—F188**[**...**]**

Annotations

Amendments:

F188 Repealed (1.01.1934) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 61(2) and sch. 2 part II, S.I. No. 174 of 1933.

Dangerous Goods.

Restrictions on carriage of dangerous goods.

38 & 39 Vict. c. 17.

446.—(1) A person shall not send or attempt to send by any vessel, British or foreign, and a person not being the master or owner of the vessel shall not carry or attempt to carry in any such vessel, any dangerous goods, without distinctly marking their nature on the outside of the package containing the same, and giving written notice of the nature of those goods and of the name and address of the sender or carrier thereof to the master or owner of the vessel at or before the time of sending the same to be shipped or taking the same on board the vessel.

(2) If any person fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding one hundred pounds; or if he shows that he was merely an agent in the shipment of any such goods as aforesaid, and was not aware and did not suspect and had no reason to suspect that the goods shipped by him were of a dangerous nature, then not exceeding ten pounds.

(3) For the purpose of this Part of this Act the expression " dangerous goods " means aquafortis, vitriol, naphtha, benzine, gunpowder, lucifer matches, nitro-glycerine, petroleum, any explosives within the meaning of the Explosives Act, 1875, and any other goods which are of a dangerous nature.

Annotations

Editorial Notes:

E306 A fine of £100 translates into a Class A fine, not exceeding €5,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 4, table ref. no. 8, S.I. No. 662 of 2010.

E307 A fine of £10 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

Penalty for misdescription of dangerous goods.

447.—A person shall not knowingly send or attempt to send by, or carry or attempt to carry in, any vessel, British or foreign, any dangerous goods under a false description, and shall not falsely describe the sender or carrier thereof, and if he acts in contravention of this section he shall for each offence be liable to a fine not exceeding five hundred pounds.

Annotations

Editorial Notes:

E308 A fine of £500 translates into a Class A fine, not exceeding €5,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 4, table ref. no. 8, S.I. No. 662 of 2010.

Power to deal with goods suspected of being dangerous.

448.—(1) The master or owner of any vessel, British or foreign, may refuse to take on board any package or parcel which he suspects to contain any dangerous goods, and may require it to be opened to ascertain the fact.

(2) F189**[**...**]**

Annotations

Amendments:

F189 Repealed (1.06.1994) by *Sea Pollution Act 1991* (27/1991), s. 8 and sch. 1, S.I. No. 123 of 1994.

Forfeiture of dangerous goods improperly sent or carried.

449.—(1) Where any dangerous goods have been sent or carried, or attempted to be sent or carried, on board any vessel, British or foreign, without being marked as aforesaid, or without such notice having been given as aforesaid, or under a false description, or with a false description of the sender or carrier thereof, any court having Admiralty jurisdiction may declare those goods, and any package or receptacle in which they are contained, to be, and they shall thereupon be. forfeited, and when forfeited, shall be disposed of as the court direct.

(2) The court shall have, and may exercise, the aforesaid powers of forfeiture and disposal notwithstanding that the owner of the goods has not committed any offence under the provisions of this Act relating to dangerous goods, and is not before the court, and has not notice of the proceedings, and notwithstanding that there is no evidence to show to whom the goods belong; nevertheless the court may, in their discretion, require such notice as they may direct to be given to the owner or shipper of the goods before they are forfeited.

Saving for other enactments relating to dangerous goods.

450.—The provisions of this Part of this Act relating to the carriage of dangerous goods shall be deemed to be in addition to and not in substitution for, or in restraint of, any other enactment for the like object, so nevertheless that nothing in the said provisions shall be deemed to authorise any person to be sued or prosecuted twice in the same matter.

Loading of Timber.

451.—F190**[**...**]**

Annotations

Amendments:

F190 Repealed (21.12.1906) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 85 and sch. 2, commenced as per sch. 2.

Carriage of Grain.

Obligation to take precautions to prevent grain cargo from shifting.

452.—F191**[**...**]**

Annotations

Amendments:

F191 Repealed (19.11.1953) by *Merchant Shipping (Safety Convention) Act 1952* (29/1952) s. 8 and sch. 1, S.I. No. 338 of 1953.

Editorial Notes:

E309 Previous affecting provision: application of section extended (1.06.1907, 1.10.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, ss. 3(1), 11, commenced as per s. 86(2); repealed (19.11.1953) by *Merchant Shipping (Safety Convention) Act 1952* (29/1952) s. 8 and sch. 1, S.I. No. 338 of 1953.

Precautions against shifting of grain cargo laden in port in Mediterranean or Black Sea or on coast of North America.

453.—F192**[**...**]**

Annotations

Amendments:

F192 Repealed (19.11.1953) by *Merchant Shipping (Safety Convention) Act 1952* (29/1952) s. 8 and sch. 1, S.I. No. 338 of 1953.

Notice by master of kind and quantity of grain cargo.

39 & 40 Vict. c. 36.

454.—F193**[**...**]**

Annotations

Amendments:

F193 Repealed (19.11.1953) by *Merchant Shipping (Safety Convention) Act 1952* (29/1952) s. 8 and sch. 1, S.I. No. 338 of 1953.

Editorial Notes:

E310 Previous affecting provision: subs. (1) amended (1.01.1934) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 58(1), S.I. No. 174 of 1933; section repealed as per F-note above.

E311 Previous affecting provision: application of section extended (1.06.1907, 1.10.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 11, commenced as per s. 86(2); repealed (19.11.1953) by *Merchant Shipping (Safety Convention) Act 1952* (29/1952) s. 8 and sch. 1, S.I. No. 338 of 1953.

Power of Board of Trade for enforcing provisions as to carriage of grain.

455.—F194**[**...**]**

Annotations

Amendments:

F194 Repealed (19.11.1953) by *Merchant Shipping (Safety Convention) Act 1952* (29/1952) s. 8 and sch. 1, S.I. No. 338 of 1953.

Editorial Notes:

E312 Previous affecting provision: application of section extended (1.06.1907, 1.10.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, ss. 3(1), 11, commenced as per s. 86(2); repealed (19.11.1953) by *Merchant Shipping (Safety Convention) Act 1952* (29/1952) s. 8 and sch. 1, S.I. No. 338 of 1953.

Definition of grain, &c.

456.—F195**[**...**]**

Annotations

Amendments:

F195 Repealed (19.11.1953) by *Merchant Shipping (Safety Convention) Act 1952* (29/1952) s. 8 and sch. 1, S.I. No. 338 of 1953.

Unseaworthy Ships.

Sending unseaworthy ship to sea a misdemeanor.

457.—F196**[**...**]**

Annotations

Amendments:

F196 Repealed (25.01.1983) by *Merchant Shipping Act 1981* (33/1981), s. 14, S.I. No. 15 of 1983.

Obligation of shipowner to crew with respect to use of reasonable efforts to secure seaworthiness.

458.—(1) In every contract of service, express or implied, between the owner of a ship and the master or any seaman thereof, and in every instrument of apprenticeship whereby any person is bound to serve as an apprentice on board any ship, there shall be implied, notwithstanding any agreement to the contrary, an obligation on the owner of the ship, that the owner of the ship, and the master, and every agent charged with the loading of the ship, or the preparing of the ship for sea, or the sending of the ship to sea, shall use all reasonable means to insure the seaworthiness of the ship for the voyage at the time when the voyage commences, and to keep her in a seaworthy condition for the voyage during the voyage.

(2) Nothing in this section—

(*a*) shall subject the owner of a ship to any liability by reason of the ship being sent to sea in an unsea-worthy state where, owing to special circumstances, the sending of the ship to sea in such a state was reasonable and justifiable; or

(*b*) shall apply to any ship employed exclusively in trading or going from place to place in any river or inland water of which the whole or part is in any British possession.

Power to detain unsafe ships, and procedure for detention.

459.—Where a British ship, being in any port in the United Kingdom, is an unsafe ship, that is to say, is by reason of the defective condition of her hull, equipments, or machinery, or by reason of overloading or improper loading, unfit to proceed to sea without serious danger to human life, having regard to the nature of the service for which she is intended, such ship may be provisionally detained for the purpose of being surveyed, and either finally detained or released as follows:—

(*a*) The Board of Trade, if they have reason to believe, on complaint or otherwise, that a British ship is unsafe, may order the ship to be provisionally detained as an unsafe ship for the purpose of being surveyed.

(*b*) When a ship has been provisionally detained there shall be forthwith served on the master of the ship a written statement of the grounds of her detention, and the Board of Trade may, if they think fit, appoint some competent person or persons to survey the ship and report thereon to the Board.

(*c*) The Board of Trade on receiving the report may either order the ship to be released or, if in their opinion the ship is unsafe, may order her to be finally detained, either absolutely, or until the performance of such conditions with respect to the execution of repairs or alterations, or the unloading or re loading of cargo, as the Board think necessary for the protection of human life, and the Board may vary or add to any such order.

(*d*) Before the order for final detention is made a copy of the report shall be served upon the master of the ship, and within seven days after that service the owner or master of the ship may appeal to the court of survey for the port or district where the ship is detained in manner directed by the rules of that court.

(*e*) Where a ship has been provisionally detained, the owner or master of the ship, at any time before the person appointed under this section to survey the ship makes that survey, may require that he shall be accompanied by such person as the owner or master may select out of the list of assessors for the court of survey, and in that case if the surveyor and assessor agree, the Board of Trade shall cause the ship to be detained or released accordingly, but if they differ, the Board of Trade may act as if the requisition had not been made, and the owner and master shall have the like appeal touching the report of the surveyor as is before provided by this section.

(*f*) Where a ship has been provisionally detained, the Board of Trade may at any time, if they think it expedient, refer the matter to the court of survey for the port or district where the ship is detained.

(*g*) The Board of Trade may at any time, if satisfied that a ship detained under this section is not unsafe, order her to be released either upon or without any conditions.

(2) Any person appointed by the Board of Trade for the purpose (in this Act referred to as a detaining officer) shall have the same power as the Board have under this section of ordering the provisional detention of a ship for the purpose of being surveyed, and of appointing a person or persons to survey her; and if he thinks that a ship so detained by him is not unsafe may order her to be released.

(3) A detaining officer shall forthwith report to the Board of Trade any order made by him for the detention or release of a ship.

(4) An order for the detention of a ship, provisional or final, and an order varying the same, shall be served as soon as may be on the master of the ship.

(5) A ship detained under this section shall not be released by reason of her British register being subsequently closed.

(6) The Board of Trade may with the consent of the Treasury appoint fit persons to act as detaining officers under this section, and may remove any such officer; and a detaining officer shall be paid such salary or remuneration (if any) out of money provided by Parliament as the Treasury direct, and shall for the purpose of his duties have all the powers of a Board of Trade inspector under this Act.

(7) A detaining officer and a person authorised to survey a ship under this section shall for that purpose have the same power as a person appointed by a court of survey

to survey a ship, and the provisions of this Act with respect to the person so appointed shall apply accordingly.

Annotations

Modifications (not altering text):

C130 Application of section extended (21.08.1992) by *Merchant Shipping Act 1992* (2/1992), s. 26(1), (2), S.I. No. 205 of 1992.

Power to detain certain vessels.

26.—(1) Section 459 (which provides for the detention of unsafe ships) of the Principal Act shall apply in relation to any vessel as respects which the Minister or a detaining officer (within the meaning of the said section 459) is of opinion that, owing to a contravention of this Act or of a regulation thereunder, the vessel is unfit to proceed on any voyage or excursion because of the danger to human life that the voyage or excursion would entail.

(2) Where a vessel is found by a detaining officer (within the meaning aforesaid) anywhere in the State and the vessel is a vessel to which, in the opinion of the officer, the said section 459 applies, the officer may detain the vessel at the place where it is found or take it to the nearest convenient port or other place (including a port or other place on a river or lake) and detain it there.

C131 Application of section extended (4.10.1968) by *Merchant Shipping (Load Lines) Act 1968* (17/1968), s. 14(5)(a), S.I. No. 206 of 1968.

Compliance with load line rules by ships other than registered ships.

14.— ...

(5) If any such ship as is mentioned in subsection (1) of this section, not being a ship in respect of which a valid Convention certificate is produced, does not comply with the conditions of assignment, then—

(a) if the ship is an Irish ship, she shall be deemed to be unsafe for the purposes of section 459 of the Merchant Shipping Act, 1894

(b) if the ship is a foreign ship, section 462 of that Act shall have effect in relation to the ship as if she were unsafe by reason of one of the matters specified in that section.

...

C132 Application of section extended (4.10.1968) by *Merchant Shipping (Load Lines) Act 1968* (17/1968), s. 18(4)(a), S.I. No. 206 of 1968.

Provisions as to inspection.

18.— ...

(4) If on an inspection of a ship under this section the ship is found to have been so materially altered in respect of the matters referred to in paragraph (c) or paragraph (d) of the last preceding subsection that the ship is manifestly unfit to proceed to sea without danger to human life, then—

(a) if the ship is an Irish ship, she shall be deemed to be unsafe for the purposes of section 459 of the Merchant Shipping Act, 1894 , or

(b) if the ship is a foreign ship, section 462 of that Act shall have effect in relation to the ship as if she were unsafe by reason of one of the matters specified in that section.

...

C133 Application of section extended (4.10.1968) by *Merchant Shipping (Load Lines) Act 1968* (17/1968), s. 4(4), S.I. No. 206 of 1968.

Compliance with load line rules by registered ships.

4.— ...

(4) Any such ship as is mentioned in subsection (1) of this section which does not comply with the conditions of assignment shall be deemed to be unsafe for the purposes of section 459 of the Merchant Shipping Act, 1894 .

C134 Application of section extended (6.08.1897) by *Merchant Shipping Act 1897* (60 & 61 Vict.) c. 59, s. 1(1), commenced on enactment.

Extension of powers of detention for unsafety to undermanning

1.—(1) Section four hundred and fifty-nine of the Merchant Shipping Act, 1894 (which gives power to detain unsafe ships), shall apply in the case of undermanning, and accordingly that section shall be construed as if the words "or by reason of undermanning" were inserted therein after the word "machinery," and as if the words "or for ascertaining the sufficiency of her crew" were inserted after the word "surveyed," and as if the words "or the manning of the ship" were inserted therein after the words "reloading of cargo," and the powers exerciseable under or for the purposes of that section shall include power to muster the crew.

...

Editorial Notes:

E313 Previous affecting provision: application of section extended by *Merchant Shipping (Convention) Act 1914* (4 & 5 Geo. 5) c. 50, s. 11(2), not commenced as per s. 29(5) prior to Independence because of repeated Orders in Council postponing commencement and not commenced subsequently; repealed (3.11.1933) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 67(2) and sch. 2 part III, commenced on enactment.

E314 Powers to direct an inquiry into the condition of anchors and chain cables where a ship is detained as unsafe granted (19.08.1899) by *Anchors and Chain Cables Act 1899* (62 & 63 Vict.) c. 23, s. 4, commenced on enactment.

Liability for costs and damages.

460.—(1) If it appears that there was not reasonable and probable cause, by reason of the condition of the ship or the act or default of the owner, for the provisional detention of a ship under this Part of this Act as an unsafe ship, the Board of Trade shall be liable to pay to the owner of the ship his costs of and incidental to the detention and survey of the ship, and also compensation for any loss or damage sustained by him by reason of the detention or survey.

(2) If a ship is finally detained under this Act, or if it appears that a ship provisionally detained was, at the time of that detention, an unsafe ship within the meaning of this Part of this Act, the owner of the ship shall be liable to pay to the Board of Trade their costs of and incidental to the detention and survey of the ship, and those costs shall, without prejudice to any other remedy, be recoverable as salvage is recoverable.

(3) For the purpose of this section the costs of and incidental to any proceeding before a court of survey, and a reasonable amount in respect of the remuneration of the surveyor or officer of the Board of Trade, shall be part of the costs of the detention and survey of the ship, and any dispute as to the amount of those costs may be referred to one of the officers following, namely, in England or Ireland to one of the masters or registrars of the High Court, and in Scotland to the Auditor of the Court of Session, and the officer shall, on request by the Board of Trade, ascertain and certify the proper amount of those costs.

(4) An action for any costs or compensation payable by the Board of Trade under this section may be brought against the Secretary of that Board by his official title as if he were a corporation sole, and if the cause of action arises in Ireland, and the action is brought in the High Court, that Court may order that the summons or writ may be served on the Crown and Treasury Solicitor for Ireland in such manner and on such terms respecting extension of time and otherwise as the Court thinks fit, and that that service shall be sufficient service of the summons or writ upon the Secretary of the Board of Trade.

Annotations

Editorial Notes:

E315 Previous affecting provision: application of section extended by *Merchant Shipping (Convention) Act 1914* (4 & 5 Geo. 5) c. 50, s. 11(2), not commenced as per s. 29(5) prior to Independence because of repeated Orders in Council postponing commencement and not commenced subsequently; repealed (3.11.1933) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 67(2) and sch. 2 part III, commenced on enactment.

Power to require from complainant security for costs.

461.—(1) Where a complaint is made to the Board of Trade or a detaining officer that a British ship is unsafe, the Board or officer may, if they or he think fit, require the complainant to give security to the satisfaction of the Board for the costs and compensation which he may become liable to pay as herein-after mentioned.

(2) Provided that such security shall not be required where the complaint is made by one fourth, being not less than three, of the seamen belonging to the ship, and is not in the opinion of the Board or officer frivolous or vexatious, and the Board or officer shall, if the complaint is made in sufficient time before the sailing of the ship, take proper steps for ascertaining whether the ship ought to be detained.

(3) Where a ship is detained in consequence of any complaint, and the circumstances are such that the Board of Trade are liable under this Act to pay to the owner of the ship any costs or compensation, the complainant shall be liable to pay to the Board of Trade all such costs and compensation as the Board incur or are liable to pay in respect of the detention and survey of the ship.

Application to foreign ships of provisions as to detention.

462.—Where a foreign ship F197**[**...**]** at a port in the United Kingdom, F197**[**...**]** is F197**[**...**]** unsafe by reason of overloading or improper loading, the provisions of this Part of this Act with respect to the detention of ships shall apply to that foreign ship as if she were a British ship, with the following modifications:—

(i) A copy of the order for the provisional detention of the ship shall be forthwith served on the consular officer for the country to which the ship belongs at or nearest to the said port;

(ii) Where a ship has been provisionally detained, the consular officer, on the request of the owner or master of the ship, may require that the person appointed by the Board of Trade to survey the ship shall be accompanied by such person as the consular officer may select, and in that case, if the surveyor and that person agree, the Board of Trade shall cause the ship to be detained or released accordingly, but if they differ, the Board of Trade may act as if the requisition had not been made, and the owner and master shall have the like appeal to a court of survey touching the report of the surveyor as is herein-before provided in the case of a British ship; and

(iii) Where the owner or master of the ship appeals to the court of survey, the consular officer, on his request, may appoint a competent person to be assessor in the case in lieu of the assessor who, if the ship were a British ship, would be appointed otherwise than by the Board of Trade.

Annotations

Amendments:

F197 Deleted (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 85 and sch. 2 , commenced as per s. 86(2).

Modifications (not altering text):

C135 Application of section extended (4.10.1968) by *Merchant Shipping (Load Lines) Act 1968* (17/1968), s. 14(5)(b), S.I. No. 206 of 1968.

Compliance with load line rules by ships other than registered ships.

14.— …

(5) If any such ship as is mentioned in subsection (1) of this section, not being a ship in respect of which a valid Convention certificate is produced, does not comply with the conditions of assignment, then—

(a) if the ship is an Irish ship, she shall be deemed to be unsafe for the purposes of section 459 of the Merchant Shipping Act, 1894 , or

(b) if the ship is a foreign ship, section 462 of that Act shall have effect in relation to the ship as if she were unsafe by reason of one of the matters specified in that section.

C136 Application of section extended (4.10.1968) by *Merchant Shipping (Load Lines) Act 1968* (17/1968), s. 18(4)(b), S.I. No. 206 of 1968.

Provisions as to inspection.

18.— …

(4) If on an inspection of a ship under this section the ship is found to have been so materially altered in respect of the matters referred to in paragraph (c) or paragraph (d) of the last preceding subsection that the ship is manifestly unfit to proceed to sea without danger to human life, then—

(a) if the ship is an Irish ship, she shall be deemed to be unsafe for the purposes of section 459 of the Merchant Shipping Act, 1894 , or

(b) if the ship is a foreign ship, section 462 of that Act shall have effect in relation to the ship as if she were unsafe by reason of one of the matters specified in that section.

...

C137 Application of section modified (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 2, commenced as per s. 86(2).

Detention of foreign ships when unsafe owing to defective equipment, &c.

2. Section four hundred and sixty-two of the principal Act (which relates to the detention of foreign ships)—

(1) shall apply in the case of a ship which is unsafe by reason of the defective condition of her hull, equipments, or machinery, and accordingly that section shall be construed as if the words "by reason of the "defective condition of her hull, equipments, or "machinery, or" were inserted before the words "by reason of overloading or improper loading"; and

(2) shall apply with respect to any foreign ships being at any port in the United Kingdom, whether those ships take on board any cargo at that port or not.

C138 Application of section modified (6.08.1897) by *Merchant Shipping Act 1897* (60 & 61 Vict.) c. 59, s. 1(2), commenced on enactment.

Extension of powers of detention for unsafety to undermanning

1.— ...

(2) Section four hundred and sixty-two of the Merchant Shipping Act, 1894 (which relates to foreign ships), shall also apply in the case of undermanning, and accordingly that section shall be construed as if the words "or by reason of undermanning "were inserted therein after the words "improper loading."

Survey of ships alleged by seamen to be unseaworthy.

463.—(1) Whenever in any proceeding against any seaman or apprentice belonging to any ship for the offence of desertion, or absence without leave or for otherwise being absent from his ship without leave, it is alleged by one fourth, or if their number exceeds twenty by not less than five, of the seamen belonging to the ship, that the

ship is by reason of unseaworthiness, overloading, improper loading, defective equipment, or for any other reason, not in a fit condition to proceed to sea, or that the accommodation in the ship is insufficient, the court having cognizance of the case shall take such means as may be in their power to satisfy themselves concerning the truth or untruth of the allegation, and shall for that purpose receive the evidence of the persons making the same, and may summon any other witnesses whose evidence they may think it desirable to hear, and shall, if satisfied that the allegation is groundless, adjudicate in the case, but if not so satisfied shall before adjudication cause the ship to be surveyed.

(2) A seaman or apprentice charged with desertion, or with quitting his ship without leave, shall not have any right to apply for a survey under this section unless he has before quitting his ship complained to the master of the circumstances so alleged in justification.

(3) For the purposes of this section the court shall require any surveyor of ships appointed under this Act, or any person appointed for the purpose by the Board of Trade, or, if such a surveyor or person cannot be obtained without unreasonable expense or delay, or is not, in the opinion of the court, competent to deal with the special circumstances of the case, then any other impartial surveyor appointed by the court, and having no interest in the ship, her freight, or cargo, to survey the ship, and to answer any question concerning her which the court think fit to put.

(4) Such surveyor or other person shall survey the ship, and make his written report to the court, including an answer to every question put to him by the court, and the court shall cause the report to be communicated to the parties, and, unless the opinions expressed in the report are proved to the satisfaction of the court to be erroneous, shall determine the questions before them in accordance with those opinions.

(5) Any person making a survey under this section shall for the purposes thereof have all the powers of a Board of Trade inspector under this Act.

(6) The costs (if any) of the survey shall be determined by the Board of Trade according to a scale of fees to be fixed by them, and shall be paid in the first instance out of the Mercantile Marine Fund.

(7) If it is proved that the ship is in a fit condition to proceed to sea, or that the accommodation is sufficient, as the case may be, the costs of the survey shall be paid by the person upon whose demand or in consequence of whose allegation the survey was made, and may be deducted by the master or owner out of the wages due or to become due to that person, and shall be paid over to the Board of Trade.

(8) If it is proved that the ship is not in a fit condition to proceed to sea, or that the accommodation is insufficient, as the case may be, the master or owner of the ship shall pay the costs of the survey to the Board of Trade, and shall be liable to pay to the seaman or apprentice, who has been detained in consequence of the said proceeding before the court under this section, such compensation for his detention as the court may award.

Annotations

Editorial Notes:

E316 Power pursuant to section exercised (15.12.2010) by *Merchant Shipping (Fees) Regulations 2010* (S.I. No. 595 of 2010), in effect as per reg. 1(2).

E317 Previous affecting provision: fees prescribed (14.12.1998) by *Merchant Shipping (Fees) Order 1998* (S.I. No. 475 of 1998), s. 3 and sch. 1 part 6, in effect as per reg. 1(1); revoked (15.12.2010) by *Merchant Shipping (Fees) Order 2010* (S.I. No. 594 of 2010), reg. 12, in effect as per reg. 1(2).

PART VI.

SPECIAL SHIPPING INQUIRIES AND COURTS.

Inquiries and Investigations as to Shipping Casualties.

Shipping casualties.

464.—F198**[**...**]**

Annotations

Amendments:

F198 Repealed (5.06.2002) by *Merchant Shipping (Investigation of Marine Casualties) Act 2000* (14/2000), s. 6, S.I. No 289 of 2002. See also S.I. No. 124 of 2003.

Preliminary inquiry into shipping casualties.

465. —F199**[**...**]**

Annotations

Amendments:

F199 Repealed (5.06.2002) by *Merchant Shipping (Investigation of Marine Casualties) Act 2000* (14/2000), s. 6, S.I. No 289 of 2002. See also S.I. No. 124 of 2003.

Formal investigation of shipping casualties.

466.—F200**[**...**]**

Annotations

Amendments:

F200 Repealed (5.06.2002) by *Merchant Shipping (Investigation of Marine Casualties) Act 2000* (14/2000), s. 6, S.I. No 289 of 2002. See also S.I. No. 124 of 2003.

Editorial Notes:

E318 Previous affecting provision: provision for taxation of legal costs arising arising from formal investigations under section made (15.12.1995) by *Courts and Court Officers Act 1995* (31/1995), s. 27(11), commenced on enactment; section repealed as per F-note above.

E319 Previous affecting provision: references to suspension or cancellation of a certificate construed (1.09.1981) by *Merchant Shipping (Certification of Seamen) Act 1979* (37/1979), s. 10, S.I. No. 11 of 1981; section repealed as per F-note above.

List of assessors.

467.—F201**[**...**]**

Annotations

Amendments:

F201 Repealed (5.06.2002) by *Merchant Shipping (Investigation of Marine Casualties) Act 2000* (14/2000), s. 6, S.I. No 289 of 2002. See also S.I. No. 124 of 2003.

Inquiry in case of loss of life from fishing vessel's boat.

468.—F202**[**...**]**

Annotations

Amendments:

F202 Repealed (5.06.2002) by *Merchant Shipping (Investigation of Marine Casualties) Act 2000* (14/2000), s. 6, S.I. No 289 of 2002. See also S.I. No. 124 of 2003.

Power as to Certificates of Officers, &c.

Power of Board of Trade as to certificate.

469.—The Board of Trade may suspend or cancel the certificate of any master, mate, or engineer if it is shown that he has been convicted of any offence.

Annotations

Editorial Notes:

E320 Previous affecting provision: references to suspension or cancellation of a certificate construed (1.09.1981) by *Merchant Shipping (Certification of Seamen) Act 1979* (37/1979), s. 10, S.I. No. 11 of 1981; section repealed as per F-note above.

Power to court of investigation or inquiry as to certificate.

470.—(1) The certificate of a master, mate, or engineer may be cancelled or suspended—

(*a*) by a court holding a formal investigation into a shipping casualty under this Part of this Act, or by a naval court constituted under this Act, if the court find that the loss or abandonment of, or serious damage to, any ship, or loss of life, has been caused by his wrongful act or default, provided that, if the court holding a formal investigation is a court of summary jurisdiction, that court shall not cancel or suspend a certificate unless one at least of the assessors concurs in the finding of the court:

(*b*) by a court holding an inquiry under this Part of this Act into the conduct of a master, mate, or engineer, if they find that he is incompetent, or has been guilty of any gross act of misconduct, drunkenness, or tyranny, or that in a case of collision he has failed to render such assistance or give such information as is required under the Fifth Part of this Act:

(*c*) by any naval or other court where under the powers given by this Part of this Act the holder of the certificate is superseded or removed by that court.

(2) Where any case before any such court as aforesaid involves a question as to the cancelling or suspending of a certificate, that court shall, at the conclusion of the case or as soon afterwards as possible, state in open court the decision to which they have come with respect to the cancelling or suspending thereof.

(3) The court shall in all cases send a full report on the case with the evidence to the Board of Trade, and shall also, if they determine to cancel or suspend any certificate, send the certificate cancelled or suspended to the Board of Trade with their report.

(4) A certificate shall not be cancelled or suspended by a court under this section, unless a copy of the report, or a statement of the case on which the investigation or inquiry has been ordered, has been furnished before the commencement of the investigation or inquiry to the holder of the certificate.

Annotations

Modifications (not altering text):

C139 References to suspension or cancellation of a certificate construed (1.09.1981) by *Merchant Shipping (Certification of Seamen) Act 1979* (37/1979), s. 10, S.I. No. 11 of 1981.

Consequential construction of certain provisions of Principal Act.

10.—References to suspension or cancellation of a certificate in sections 466, 469, 470 and 475 of the Principal Act shall be construed as including references to suspension or cancellation under section 9 of this Act.

Inquiry into conduct of certificated officer.

471.—F203**[**...**]**

Annotations

Amendments:

F203 Repealed (1.09.1981) by *Merchant Shipping (Certification of Seamen) Act 1979* (37/1979), s. 13 and sch., S.I. No. 11 of 1981.

Removal of master by Admiralty Court.

472.—(1) Any of the following courts; namely,—

In England and Ireland the High Court,

In Scotland the Court of Session,

Elsewhere in Her Majesty's dominions any colonial court of Admiralty or Vice-Admiralty Court,

may remove the master of any ship within the jurisdiction of that court, if that removal is shown to the satisfaction of the court by evidence on oath to be necessary.

(2) The removal may be made upon the application of any owner of the ship or his agent, or of the consignee of the ship, or of any certificated mate, or of one third or more of the crew of the ship.

(3) The court may appoint a new master instead of the one removed; but, where the owner, agent, or consignee of the ship is within the jurisdiction of the court, such an appointment shall not be made without the consent of that owner, agent, or consignee.

(4) The court may also make such order and require such security in respect of the costs of the matter as the court thinks fit.

Delivery of certificate cancelled or suspended.

473.—F204**[**...**]**

Annotations

Amendments:

F204 Repealed (1.09.1981) by *Merchant Shipping (Certification of Seamen) Act 1979* (37/1979), s. 13 and sch., S.I. No. 11 of 1981.

Power of Board of Trade to restore certificate.

474.—F205**[**...**]**

Annotations

Amendments:

F205 Repealed (1.09.1981) by *Merchant Shipping (Certification of Seamen) Act 1979* (37/1979), s. 13 and sch., S.I. No. 11 of 1981.

Re-hearing of Investigations and Inquiries.

Re-hearing of inquiries and investigations.

475.—(1) The Board of Trade may, in any case where under this Part of this Act a formal investigation as aforesaid into a shipping casualty, or an inquiry into the conduct of a master, mate, or engineer has been held, order the case to be re-heard either generally or as to any part thereof, and shall do so—

(*a*) if new and important evidence which could not be produced at the investigation or inquiry has been discovered; or

(*b*) if for any other reason there has in their opinion been ground for suspecting that a miscarriage of justice has occurred.

(2) The Board of Trade may order the case to be re-heard, either by the court or authority by whom the case was heard in the first instance, or by the wreck commissioner, or in England or Ireland by the High Court, or in Scotland by the Senior Lord Ordinary, or any other judge in the Court of Session whom the Lord President of that court may appoint for the purpose, and the case shall be so re-heard accordingly.

(3) Where on any such investigation or inquiry, a decision has been given with respect to the cancelling or suspension of the certificate of a master, mate, or engineer, and an application for a re-hearing under this section has not been made or has been refused, an appeal shall lie from the decision to the following courts; namely,—

(*a*) If the decision is given in England or by a naval court, to the High Court:

(*b*) If the decision is given in Scotland, to either division of the Court of Session:

(*c*) If the decision is given in Ireland, to the High Court in Ireland.

(4) Any re-hearing or appeal under this section shall be subject to and conducted in accordance with such conditions and regulations as may be prescribed by rules made in relation thereto under the powers contained in this Part of this Act.

Annotations

Modifications (not altering text):

C140 Application of s. (3) modified (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 66, commenced as per s. 86(2).

Appeal from decision on investigation as to shipping casualties.

66. Where, on any investigation or inquiry under the provisions of Part VI. of the principal Act, the court find that a shipping casualty has been caused or contributed to by the wrongful act or default of any person, and an application for rehearing has not been made under section four hundred and seventy-five or section four hundred and seventy-eight of the principal Act, or has been refused, the owner of the ship, or any other person who, having an interest in the investigation or inquiry, has appeared at the hearing and is affected by the decision of the court, may appeal from that decision in the same manner and subject to the same conditions in and subject to which a master may appeal under those sections against a decision with respect to the cancelling or suspension of his certificate.

C141 References to suspension or cancellation of a certificate construed (1.09.1981) by *Merchant Shipping (Certification of Seamen) Act 1979* (37/1979), s. 10, S.I. No. 11 of 1981.

Consequential construction of certain provisions of Principal Act.

10.—References to suspension or cancellation of a certificate in sections 466, 469, 470 and 475 of the Principal Act shall be construed as including references to suspension or cancellation under section 9 of this Act.

Supplemental Provisions as to Investigations and Inquiries.

Investigations before stipendiary magistrate.

476.—(1) Where a stipendiary magistrate is in any place a member of the local marine board, a formal investigation at that place into a shipping casualty shall, whenever he happens to be present, be held before that stipendiary magistrate.

(2) There shall be paid out of the Mercantile Marine Fund to the stipendiary magistrate, if he is not remunerated out of money provided by Parliament under this Act, such remuneration by way of an annual increase of salary, or otherwise, as a Secretary of State, with the consent of the Board of Trade, may direct.

Power to appoint wreck commissioners.

477.—The Lord Chancellor may appoint some fit person or persons to be a wreck commissioner or wreck commissioners for the United Kingdom, so that there shall not be more than three of those commissioners at any one time, and may remove any such wreck commissioner; and in case it becomes necessary to appoint a wreck commissioner in Ireland the Lord Chancellor of Ireland shall have the power to appoint and remove that wreck commissioner.

Authority for colonial court to make inquiries into shipping casualties and conduct of officers.

478.—(1) The legislature of any British possession may authorise any court or tribunal to make inquiries as to shipwrecks, or other casualties affecting ships, or as to charges of incompetency, or misconduct on the part of masters, mates, or engineers of ships, in the following cases; namely,—

(*a*) Where a shipwreck or casualty occurs to a British ship on or near the coasts of the British possession or to a British ship in the course of a voyage to a port within the British possession:

(*b*) Where a shipwreck or casualty occurs in any part of the world to a British ship registered in the British possession:

(*c*) Where some of the crew of a British ship which has been wrecked or to which a casualty has occurred, and who are competent witnesses to the facts, are found in the British possession:

(*d*) Where the incompetency or misconduct has occurred on board a British ship on or near the coasts of the British possession, or on board a British ship in the course of a voyage to a port within the British possession:

(*e*) Where the incompetency or misconduct has occurred on board a British ship registered in the British possession:

(*f*) When the master, mate, or engineer of a British ship who is charged with incompetency or misconduct on board that British ship is found in the British possession.

(2) A court or tribunal so authorised shall have the same jurisdiction over the matter in question as if it had occurred within their ordinary jurisdiction, but subject to all provisions, restrictions, and conditions which would have been applicable if it had so occurred.

(3) An inquiry shall not be held under this section into any matter which has once been the subject of an investigation or inquiry and has been reported on by a competent court or tribunal in any part of Her Majesty's dominions, or in respect of which the certificate of a master, mate, or engineer has been cancelled or suspended by a naval court.

(4) Where an investigation or inquiry has been commenced in the United Kingdom with reference to any matter, an inquiry with reference to the same matter shall not be held, under this section, in a British possession.

(5) The court or tribunal holding an inquiry under this section shall have the same powers of cancelling and suspending certificates, and shall exercise those powers in the same manner as a court holding a similar investigation or inquiry in the United Kingdom.

(6) The Board of Trade may order the re-hearing of any inquiry under this section in like manner as they may order the re-hearing of a similar investigation or inquiry in the United Kingdom, but if an application for re-hearing either is not made or is refused, an appeal shall lie from any order or finding of the court or tribunal holding the inquiry to the High Court in England: Provided that an appeal shall not lie—

(*a*) from any order or finding on an inquiry into a casualty affecting a ship registered in a British possession, or

(*b*) from a decision affecting the certificate of a master, mate, or engineer, if that certificate has not been granted either in the United Kingdom or in a British possession, under the authority of this Act.

(7) The appeal shall be conducted in accordance with such conditions and regulations as may from time to time be prescribed by rules made in relation thereto under the powers contained in this Part of this Act.

Annotations

Modifications (not altering text):

C142 Application of s. (6) modified (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 66, commenced as per s. 86(2).

Appeal from decision on investigation as to shipping casualties.

66. Where, on any investigation or inquiry under the provisions of Part VI. of the principal Act, the court find that a shipping casualty has been caused or contributed to by the wrongful act or default of any person, and an application for rehearing has not been made under section four hundred and seventy-five or section four hundred and seventy-eight of the principal Act, or has been refused, the owner of the ship, or any other person who, having an interest in the investigation or inquiry, has appeared at the hearing and is affected by the decision of the court, may appeal from that decision in the same manner and subject to the same conditions in and subject to which

a master may appeal under those sections against a decision with respect to the cancelling or suspension of his certificate.

Rules as to investigations and inquiries.

479.—(1) The Lord Chancellor may (with the consent of the Treasury so far as relates to fees) make general rules for carrying into effect the enactments relating to formal investigations, and to the re-hearing of, or an appeal from, any investigation or inquiry held under this Part of this Act, and in particular with respect to the appointment and summoning of assessors, the procedure, the parties, the persons allowed to appear, the notice to those parties or persons or to persons affected, the amount and application of fees, and the place in which formal investigations are to be held.

(2) Any rule made under this section while in force shall have effect as if it were enacted in this Act.

(3) Any rule made under this section with regard to the re-hearing of, or appeals from, any investigation or inquiries, as to the appointment of assessors, and as to the place in which formal investigations are to be held, shall be laid before both Houses of Parliament as soon as may be after it is made.

Naval Courts on the High Seas and Abroad.

Cases in which naval courts may be summoned.

480.—A court (in this Act called a naval court) may be summoned by any officer in command of any of Her Majesty's ships on any foreign station, or, in the absence of such an officer, by any consular officer, in the following cases; (that is to say,)

(i) Whenever a complaint which appears to that officer to require immediate investigation is made to him by the master of any British ship, or by a certificated mate, or by any one or more of the seamen belonging to any such ship;

(ii) Whenever the interest, of the owner of any British ship or of the cargo thereof appears to that officer to require it; and

(iii) Whenever any British ship is wrecked, abandoned, or otherwise lost at or near the place where that officer may be, or whenever the crew or part of the crew of any British ship which has been wrecked, abandoned or lost abroad arrive at that place.

Constitution of naval courts.

481.—(1) A naval court shall consist of not more than five and not less than three members, of whom, if possible, one shall be an officer in the naval service of Her Majesty not below the rank of lieutenant, one a consular officer, and one a master of a British merchant ship, and the rest shall be either officers in the naval service of Her Majesty, masters of British merchant ships, or British merchants, and the court may include the officer summoning the same, but shall not include the master or consignee of the ship to which the parties complaining or complained against belong.

(2) The naval or consular officer in the court, if there is only one such officer, or, if there is more than one, the naval or consular officer who, according to any regulations for settling their respective ranks for the time being in force, is of the highest rank, shall be the president of the court.

Functions of naval courts.

482.—(1) A naval court shall hear the complaint or other matter brought before them under this Act, or investigate the cause of the wreck, abandonment, or loss, and shall do so in such manner as to give every person against whom any complaint or charge is made an opportunity of making a defence.

(2) A naval court may, for the purpose of the hearing and investigation, administer an oath, summon parties and witnesses, and compel their attendance and the production of documents.

Powers of naval courts.

483.—(1) Every naval court may, after hearing and investigating the case, exercise the following powers; (that is to say,)

(*a*) The court may, if unanimous that the safety of the ship or crew or the interest of the owner absolutely requires it, remove the master, and appoint another person to act in his stead; but no such appointment shall be made without the consent of the consignee of the ship if at the place where the case is heard:

(*b*) The court may, in cases in which they are authorised by this Act and subject to the provisions of this Act, cancel or suspend the certificate of any master, mate, or engineer:

(*c*) The court may discharge a seaman from his ship:

(*d*) The court may order the wages of a seaman so discharged or any part of those wages to be forfeited, and may direct the same either to be retained by way of compensation to the owner, or to be paid into the Exchequer, in the same manner as fines under this Act:

(*e*) The court may decide any questions as to wages or fines or forfeitures arising between any of the parties to the proceedings:

(*f*) The court may direct that all or any of the costs incurred by the master or owner of any ship in procuring: the imprisonment of any seaman or apprentice in a foreign port, or in his maintenance whilst so imprisoned, shall be paid out of and deducted from the wages of that seaman or apprentice, whether then or subsequently earned:

(*g*) The court may exercise the same powers with regard to persons charged before them with the commission of offences at sea or abroad as British consular officers can under the Thirteenth Part of this Act:

(*h*) The court may punish any master of a ship or any of the crew of a ship respecting whose conduct a complaint is brought before them for any offence against this Act, which, when committed by the said master or member of the crew, is punishable on summary conviction, and shall for that purpose have the same powers as a court of summary jurisdiction would have if the case were tried in the United Kingdom: Provided that—

(i) where an offender is sentenced to imprisonment, the senior naval or consular officer present at the place where the court is held shall in writing confirm the sentence and approve the place of imprisonment, whether on land or on board ship, as a proper place for the purpose; and

(ii) copies of all sentences passed by any naval court summoned to hear any such complaint as aforesaid, shall be sent to the commander-in-chief or senior naval officer of the station:

(*j*) The court may, if it appears expedient, order a survey of any ship which is the subject of investigation to be made, and such survey shall accordingly be made, in the same way, and the surveyor who makes the same shall have the same powers as if such survey had been directed by a competent court in pursuance of the Fifth Part of this Act, in the course of proceedings against a seaman or apprentice for the offence of desertion.

(*k*) The court may order the costs of the proceedings before them, or any part of those costs, to be paid by any of the parties thereto, and may order any person making a frivolous or vexatious complaint to pay compensation for any loss or delay caused thereby; and any costs or compensation so ordered to be paid shall be paid by that person accordingly, and may be recovered in the same manner in which the wages of seamen are recoverable, or may, if the case admits, be deducted from the wages due to that person.

(2) All orders duly made by a naval court under the powers hereby given to it, shall in any subsequent legal proceedings be conclusive as to the rights of the parties.

(3) All orders made by any naval court shall, whenever practicable, be entered in the official log-book of the ship to which the parties to the proceedings before the court belong, and signed by the president of the court.

Annotations

Modifications (not altering text):

C143 Application of section extended (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 67, commenced as per s. 86(2).

Power of naval court to send a person sentenced to imprisonment home to under go sentence.

67.—(1) The powers of a naval court under section four hundred and eighty-three of the principal Act (which deals with those powers) shall include a power to send an offender sentenced by the Court to imprisonment either to the United Kingdom or to any British possession to which his Majesty by Order in Council has applied this section, as appears to them most convenient for the purpose of being imprisoned, and the court may take the same steps, and for that purpose shall have the same powers, as respects the orders which may be given to masters of ships as a consular officer has for the purpose of sending an offender for trial under section six hundred and eighty-nine of the principal Act, and subsections (2), (4), and (5) of that section shall apply with the necessary modification.

…

C144 Application of subs. (2) restricted (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 68(2), commenced as per s. 86(2).

Appeal from naval courts.

68.— ...

(2) Subsection (2) of section four hundred and eighty-three of the principal Act shall not have effect with respect to any order of a naval court which is quashed on an appeal under this section, and, where an order of a naval court is varied on appeal, shall apply as if the order as so varied were the order originally made by the naval court.

Report of proceedings of naval courts.

484.—(1) Every naval court shall make a report to the Board of Trade containing the following particulars; (that is to say,)

(*a*) A statement of the proceedings of the court, together with the order made by the court, and a report of the evidence;

(*b*) An account of the wages of any seaman or apprentice who is discharged from his ship by the court;

(*c*) If summoned to inquire into a case of wreck or abandonment, a statement of the opinion of the court as to the cause of that wreck or abandonment, with such remarks on the conduct of the master and crew as the circumstances require;

(2) Every such report shall be signed by the president of the court, and shall be admissible in evidence in manner provided by this Act.

Penalty for preventing complaint or obstructing investigation.

485.—If any person wilfully and without due cause prevents or obstructs the making of any complaint to an officer empowered to summon a naval court, or the conduct of any hearing or investigation by any naval court, he shall for each offence be liable to a fine not exceeding fifty pounds, or be liable to imprisonment, with or without hard labour, for any period not exceeding twelve weeks.

Annotations

Editorial Notes:

E321 A fine of £50 translates into a Class B fine, not exceeding €4,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 5, table ref. no. 8, S.I. No. 662 of 2010.

Application of provisions as to naval courts.

486.—(1) The provisions of this Part of this Act with regard to naval courts on the high seas and abroad shall apply to all sea-going ships registered in the United Kingdom (with the exception, F206**[**...**]**, of fishing boats exclusively employed in fishing on the coasts of the United Kingdom) and to all ships registered in a British possession, when those ships are out of the jurisdiction of their respective governments, and where they apply to a ship, shall apply to the owners, master, and crew of that ship.

(2) For the purpose of the said provisions an unregistered British ship shall be deemed to have been registered in the United Kingdom.

Annotations

Amendments:

F206 Deleted (1.10.1920) by *Merchant Shipping (Scottish Fishing Boats) Act 1920* (10 & 11 Geo. 5) c. 39, s. 1(3) and sch. 1, commenced as per s. 2(2).

Courts of Survey.

Constitution of court of survey.

487.—(1) A court of survey for a port or district shall consist of a judge sitting with two assessors.

(2) The judge shall be such person as may be summoned for the case in accordance with the rules made under this Act with respect to that court, out of a list approved for the port or district by a Secretary of State, of wreck commissioners appointed under this Act, stipendiary or metropolitan police magistrates, judges of county courts, and other fit persons; but in any special case in which the Board of Trade think it expedient to appoint a wreck commissioner, the judge shall be such wreck commissioner.

(3) The assessors shall be persons of nautical, engineering, or other special skill and experience; subject to the provisions of the Fifth Part of this Act as regards foreign ships, one of them shall be appointed by the Board of Trade, either generally or in each case, and the other shall be summoned, in accordance with the rules made as aforesaid, by the registrar of the court, out of a list of persons periodically nominated for the purpose by the local marine board of the port, or, if there is no such board, by a body of local shipowners or merchants approved for the purpose by a Secretary of State, or, if there is no such list, shall be appointed by the judge: If a Secretary of State thinks, fit at any time, on the recommendation of the government of any British possession or any foreign country, to add any persons to any such list, those persons shall, until otherwise directed by the Secretary of State, be added to the list, and if there is no such list shall form the list.

(4) The county court registrar or such other fit person as a Secretary of State may from time to time appoint shall be the registrar of the court, and shall, on receiving notice of an appeal or a reference from the Board of Trade, immediately summon the court to meet forthwith in manner directed by the rules.

(5) The name of the registrar and his office, together with the rules made as aforesaid, relating to the court of survey, shall be published in the manner directed by the rules.

(6) In the application of this section to Scotland the expression " judge of a county court " means a sheriff, and the expression " county court registrar " means sheriff clerk.

(7) In the application of this section to Ireland the expression " stipendiary magistrate " includes any of the justices of the peace in Dublin metropolis and any resident magistrate.

(8) In the application of this section to the Isle of Man, the expression " judge of a county court " means the water bailiff the expression " stipendiary magistrate " means the high bailiff, the expression " registrar of a county court " means a clerk to a deemster or a clerk to justices of the peace.

Power and procedure of court of survey.

488.—(1) The court of survey shall hear every case in open court.

(2) The judge and each assessor of the court may survey the ship, and shall have for the purposes of this Act all the powers of a Board of Trade inspector under this Act.

(3) The judge of the court may appoint any competent person or persons to survey the ship and report thereon to the court.

(4) The judge of the court, any assessor of the court, and any person appointed by the judge of the court to survey a ship, may go on board the ship and inspect the same and every part thereof, and the machinery, equipments, and cargo, and may require the unloading or removal of any cargo, ballast, or tackle, and any person who wilfully impedes such judge, assessor, or person in the execution of the survey, or fails to comply with any requisition made by him, shall for each offence be liable to a fine not exceeding ten pounds.

(5) The judge of the court shall have the same power as the Board of Trade have to order the ship to be released or finally detained, but, unless one of the assessors concurs in an order for the detention of the ship, the ship shall be released.

(6) The owner and master of the ship and any person appointed by the owner or master, and also any person appointed by the Board of Trade, may attend at any inspection or survey made in pursuance of this section.

(7) The judge of the court shall send to the Board of Trade such report as may be directed by the rules, and each assessor shall either sign the report or report to the Board of Trade the reasons for his dissent.

Annotations

Editorial Notes:

E322 A fine of £10 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

Rules for procedure of court of survey, &c.

489.—The Lord Chancellor may (with the consent of the Treasury so far as relates to fees) make general rules to carry into effect the provisions of this Act with respect to a court of survey, and in particular with respect to the summoning of, and procedure before, the court, the requiring on an appeal security for costs and damages, the amount and application of fees, and the publication of the rules, and those rules shall have effect as if enacted in this Act.

Scientific Referees.

Reference in difficult cases to scientific persons.

490.—(1) If the Board of Trade are of opinion that an appeal to a court of survey involves a question of construction or design or of scientific difficulty or important principle, they may refer the matter to such one or more out of a list of scientific referees from time to time approved by a Secretary of State, as may appear to possess the special qualifications necessary for the particular case, and may be selected by agreement between the Board of Trade and the appellant, or in default of any such agreement by a Secretary of State, and thereupon the appeal shall be determined by the referee or referees, instead of by the court of survey.

(2) The Board of Trade, if the appellant in any appeal so requires and gives security to the satisfaction of the Board to pay the costs of and incidental to the reference, shall refer that appeal to a referee or referees so selected as aforesaid.

(3) The referee or referees shall have the same powers as a judge of the court of survey.

Payments to Officers of Courts.

Payments to officers of courts.

491.—There may be paid out of money provided by Parliament to any wreck commissioner, judge of a court of survey, assessor in any court of survey or investigation under this Part of this Act, registrar of a court of survey, scientific referee, or any other officer or person appointed for the purpose of any court of survey or investigation under this Part of this Act, such salary or remuneration (if any) as the Treasury may direct.

Part VII.

Delivery of Goods.

Delivery of Goods and Lien for Freight.

Definitions under Part VII.

492.—In this Part of this Act, unless the context otherwise requires—

The expression " goods " includes every description of wares and merchandise:

The expression " wharf " includes all wharves, quays, docks, and premises in or upon which any goods, when landed from ships, may be lawfully placed:

The expression " warehouse " includes all warehouses, buildings, and premises in which goods, when landed from ships, may be lawfully placed:

The expression " report " means the report required by the customs laws to be made by the master of an importing ship:

The expression " entry " means the entry required by the customs laws to be made for the landing or discharge of goods from an importing ship:

The expression " shipowner " includes the master of the ship and every other person authorised to act as agent for the owner or entitled to receive the freight, demurrage, or other charges payable in respect of the ship:

The expression " owner " used in relation to goods means every person who is for the time entitled, either as owner or agent for the owner, to the possession of the goods, subject in the case of a lien (if any), to that lien:

The expression " wharfinger " means the occupier of a wharf as herein-before defined:

The expression " warehouseman " means the occupier of a warehouse as herein-before defined.

Power of shipowner to enter and land goods on default by owner of goods.

493.—(1) Where the owner of any goods imported in any ship from foreign parts into the United Kingdom fails to make entry thereof, or, having made entry thereof, to land the same or take delivery thereof, and to proceed therewith with all convenient speed, by the times severally herein-after mentioned, the shipowner may make entry of and land or unship the goods at the following times:—

(*a*) If a time for the delivery of the goods is expressed in the charter party, bill of lading, or agreement, then at any time after the time so expressed:

(*b*) If no time for the delivery of the goods is expressed in the charter party, bill of lading, or agreement, then at any time after the expiration of seventy-two hours, exclusive of a Sunday or holiday, from the time of the report of the ship.

(2) Where a shipowner lands goods in pursuance of this section he shall place them, or cause them to be placed—

(*a*) if any wharf or warehouse is named in the charter party, bill of lading, or agreement, as the wharf or warehouse where the goods are to be placed and if they can be conveniently there received, on that wharf or in that warehouse; and

(*b*) in any other case on some wharf or in some warehouse on or in which goods of a like nature are usually placed; the wharf or warehouse being, if the goods are dutiable, a wharf or warehouse duly approved by the Commissioners of Customs for the landing of dutiable goods.

(3) If at any time before the goods are landed or unshipped the owner of the goods is ready and offers to land or take delivery of the same, he shall be allowed to do so, and his entry shall in that case be preferred to any entry which may have been made by the shipowner.

(4) If any goods are, for the purpose of convenience in assorting the same, landed at the wharf where the ship is discharged, and the owner of the goods at the time of that landing has made entry and is ready and offers to take delivery thereof, and to convey the same to some other wharf or warehouse, the goods shall be assorted at landing, and shall, if demanded, be delivered to the owner thereof within twenty-four hours after assortment; and the expense of and consequent on that landing and assortment shall be borne by the shipowner.

(5) If at any time before the goods are landed or unshipped the owner thereof has made entry for the landing and warehousing thereof at any particular wharf or warehouse other than that at which the ship is discharging, and has offered and been ready to take delivery thereof, and the shipowner has failed to make that delivery, and has also failed at the time of that offer to give the owner of the goods correct information of the time at which the goods can be delivered, then the shipowner shall, before landing or unshipping the goods, in pursuance of this section, give to the owner of the goods or of such wharf or warehouse as last aforesaid twenty-four hours notice in writing of his readiness to deliver the goods, and shall, if he lands or unships the same without that notice, do so at his own risk and expense.

Lien for freight on landing goods.

494.—If at the time when any goods are landed from any ship, and placed in the custody of any person as a wharfinger or warehouseman, the shipowner gives to the wharfinger or warehouseman notice in writing that the goods are to remain subject to a lien for freight or other charges payable to the shipowner to an amount mentioned in the notice, the goods so landed shall, in the hands of the wharfinger or warehouseman, continue subject to the same lien, if any, for such charges as they were subject to before the landing thereof; and the wharfinger or warehouseman receiving those goods shall retain them until the lien is discharged as herein-after mentioned, and shall, if he fails so to do, make good to the shipowner any loss thereby occasioned to him.

Discharge of lien.

495.—The said lien for freight and other charges shall be discharged—

(1) upon the production to the wharfinger or warehouseman of a receipt for the amount claimed as due, and delivery to the wharfinger or warehouseman of a copy thereof or of a release of freight from the shipowner, and

(2) upon the deposit by the owner of the goods with the wharfinger or warehouseman of a sum of money equal in amount to the sum claimed as aforesaid by the shipowner;

but in the latter case the lien shall be discharged without prejudice to any other remedy which the shipowner may have for the recovery of the freight.

Provisions as to deposits by owners of goods.

496.—(1) When a deposit as aforesaid is made with the wharfinger or warehouseman, the person making the same may, within fifteen days after making it, give to the wharfinger or warehouseman notice in writing to retain it, stating in the notice the sums, if any, which he admits to be payable to the shipowner, or, as the case may be, that he does not admit any sum to be so payable, but if no such notice is given, the wharfinger or warehouseman may, at the expiration of the fifteen days, pay the sum deposited over to the shipowner.

(2) If a notice is given as aforesaid the wharfinger or warehouseman shall immediately apprize the shipowner of it, and shall pay or tender to him out of the sum deposited the sum, if any, admitted by the notice to be payable, and shall retain the balance, or, if no sum is admitted to be payable, the whole of the sum deposited, for thirty days from the date of the notice.

(3) At the expiration of those thirty days unless legal proceedings have in the meantime been instituted by the shipowner against the owner of the goods to recover the said balance or sum, or otherwise for the settlement of any disputes which may have arisen between them concerning the freight or other charges as aforesaid, and notice in writing of those proceedings has been served on the wharfinger or warehouseman, the wharfinger or warehouseman shall pay the balance or sum to the owner of the goods.

(4) A wharfinger or warehouseman shall by any payment under this section be discharged from all liability in respect thereof.

Annotations

Modifications (not altering text):

C145 Commencement of arbitral proceedings defined (8.06.2010) *Arbitration Act 2010* (1/2010), s. 7(1), commenced as per s. 1(2).

Commencement of arbitral proceedings.

7.— (1) For the purposes of this Act and for the purposes of section 496 of the Merchant Shipping Act 1894 (as amended by section 29) arbitral proceedings shall be deemed to be commenced on—

(a) the date on which the parties to an arbitration agreement so provide as being the commencement date for the purposes of the commencement of arbitral proceedings under the agreement, or

(b) where no provision has been made by the parties as to commencement of proceedings as referred to in paragraph (a), the date on which a written communication containing a request for the dispute to be referred to arbitration is received by the respondent.

...

C146 Reference to legal proceedings in subs. (3) construed as including a reference to arbitration (8.06.2010) *Arbitration Act 2010* (1/2010), s. 29(3), commenced as per s. 1(2).

Application of Act to arbitrations under other Acts.

29.— …

(3) In subsection (3) of section 496 of the Merchant Shipping Act 1894, the reference to legal proceedings shall be construed as including a reference to arbitration.

…

Editorial Notes:

E323 Previous affecting provisions: commencement of arbitral proceedings defined and references to legal proceedings construed to include arbitration (1.01.1955) by *Arbitration Act 1954* (26/1954), ss. 3(1), 46, commenced as per s. 1(2); repealed (8.06.2010) by *Arbitration Act 2010* (1/2010), s. 4, commenced as per s. 1(2).

Sale of goods by warehousemen.

497.—(1) If the lien is not discharged, and no deposit is made as aforesaid, the wharfinger or warehouseman may, and, if required by the shipowner, shall, at the expiration of ninety days from the time when the goods were placed in his custody, or, if the goods are of a perishable nature, at such earlier period as in his discretion he thinks fit, sell by public auction, either for home use or for exportation, the goods or so much thereof as may be necessary to satisfy the charges herein-after mentioned.

(2) Before making the sale the wharfinger or warehouseman shall give notice thereof by advertisement in two local newspapers circulating in the neighbourhood, or in one daily newspaper published in London, and in one local newspaper, and also, if the address of the owner of the goods has been stated on the manifest of the cargo, or on any of the documents which have come into the possession of the wharfinger or warehouseman, or is otherwise known to him, send notice of the sale to the owner of the goods by post.

(3) The title of a bona fide purchaser of the goods shall not be invalidated by reason of the omission to send the notice required by this section, nor shall any such purchaser be bound to inquire whether the notice has been sent.

Application of proceeds of sale.

498.—The proceeds of sale shall be applied by the wharfinger or warehouseman as follows, and in the following order:—

(i) First, if the goods are sold for home use, in payment of any customs or excise duties owing in respect thereof; then

(ii) In payment of the expenses of the sale; then

(iii) In payment of the charges of the wharfinger or warehouseman and the shipowner according to such priority as may be determined by the terms of the agreement (if any) in that behalf between them; or, if there is no such agreement—

(*a*) in payment of the rent, rates, and other charges due to the wharfinger or warehouseman in respect of the said goods; and then

(*b*) in payment of the amount claimed by the shipowner as due for freight or other charges in respect of the said goods;

and the surplus, if any, shall be paid to the owner of the goods.

Warehouseman's rent and expenses.

499.—Whenever any goods are placed in the custody of a wharfinger or warehouseman, under the authority of this Part of this Act, the wharfinger or warehouseman shall be entitled to rent in respect of the same, and shall also have power, at the expense of the owner of the goods, to do all such reasonable acts as in the judgment of the wharfinger or warehousemen are necessary for the proper custody and preservation of the goods, and shall have a lien on the goods for the rent and expenses.

Warehousemen's protection.

500.—Nothing in this Part of this Act shall compel any wharfinger or warehouseman to take charge of any goods which he would not have been liable to take charge of if this Act had not been passed; nor shall he be bound to see to the validity of any lien claimed by any shipowner under this Part of this Act.

Saving for powers under local Acts.

501.—Nothing in this Part of this Act shall take away or abridge any powers given by any local Act to any harbour authority, body corporate, or persons, whereby they are enabled to expedite the discharge of ships or the landing or delivery of goods; nor shall anything in this Part of this Act take away or diminish any rights or remedies given to any shipowner or wharfinger or warehouseman by any local Act.

PART VIII.

LIABILITY OF SHIPOWNERS.

Annotations

Editorial Notes:

E324 Previous affecting provision: expression "ship" construed to include lighter, barge, or like vessel used in navigation however propelled (1.01.1922) by *Merchant Shipping Act 1921* (11 & 12 Geo. 5) c. 28, s. 1, commenced as per s. 4(2); repealed (6.02.1997) by *Merchant Shipping (Liability of Shipowners and Others) Act 1996* (35/1996), s. 3 and sch. 4, S.I. No. 215 of 1997.

E325 Previous affecting provision: application of Part extended to include charterer in definition of owner (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 71, commenced as per s. 86(2); repealed (6.02.1997) by *Merchant Shipping (Liability of Shipowners and Others) Act 1996* (35/1996), s. 3 and sch. 4, S.I. No. 215 of 1997.

E326 Previous affecting provision: application of section extended (25.07.1898) *Merchant Shipping (Liability of Shipowners) Act 1898* (61 & 62 Vict.), c. 14, s. 1, commenced on enactment; repealed (6.02.1997) by *Merchant Shipping (Liability of Shipowners and Others) Act 1996* (35/1996), s. 3 and sch. 4, S.I. No. 215 of 1997.

Limitation of shipowner's liability in certain cases of loss of, or damage to, goods.

502.—F207**[...]**

Annotations

Amendments:

F207 Repealed (6.02.1997) by *Merchant Shipping (Liability of Shipowners and Others) Act 1996* (35/1996), s. 3 and sch. 4, S.I. No. 215 of 1997.

Limitation of owner's liability in certain cases loss of life, injury, or damage.

503. —F208**[...]**

Annotations

Amendments:

F208 Repealed (6.02.1997) by *Merchant Shipping (Liability of Shipowners and Others) Act 1996* (35/1996), s. 3 and sch. 4, S.I. No. 215 of 1997.

Editorial Notes:

E327 Previous affecting provision: application of section restricted (20.11.1992) by *Oil Pollution of the Sea (Civil Liability and Compensation) Act 1988* (11/1988), s. 10(a), S.I. No. 381 of 1992; substituted (16.05.1998) by *Oil Pollution of the Sea (Civil Liability and Compensation) (Amendment) Act 1998* (13/1998), s. 6, S.I. No. 159 of 1998.

E328 Previous affecting provision: application of subs. (1)(d) extended (20.11.1992) by *Oil Pollution of the Sea (Civil Liability and Compensation) Act 1988* (11/1988), s. 18, S.I. No. 381 of 1992; repealed (16.05.1998) by *Oil Pollution of the Sea (Civil Liability and Compensation) (Amendment) Act 1998* (13/1998), s. 17, S.I. No. 159 of 1998.

E329 Previous affecting provision: application of section extended (1.08.1934) by *Workmen's Compensation Act 1934* (9/1934), s. 66(1), S.I. No. 153 of 1934; repealed (6.07.1966) by *Social Welfare (Occupational Injuries) Act 1966* (16/1966), s. 40, commenced on enactment.

E330 Previous affecting provision: application of section extended, modified (6.08.1900) by *Merchant Shipping (Liability of Shipowners and Others) Act 1900* (63 & 64 Vict.) c. 32, ss. 1, 2(2), commenced on enactment; repealed (6.02.1997) by *Merchant Shipping (Liability of Shipowners and Others) Act 1996* (35/1996), s. 3 and sch. 4, S.I. No. 215 of 1997.

E331 Previous affecting provision: application of section restricted (1.07.1907) by *Workmen's Compensation Act 1906* (6 Edw. 7) c. 58, s. 7(1)(f), commenced as per s. 16(1); repealed (1.08.1934) by *Workmen's Compensation Act 1934* (9/1934), s. 13 and sch. 1, S.I. No. 153 of 1934.

E332 Previous affecting provision: subs. 2(a) amended (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 69, commenced as per s. 86(2); repealed (6.02.1997) by *Merchant Shipping (Liability of Shipowners and Others) Act 1996* (35/1996), s. 3 and sch. 4, S.I. No. 215 of 1997.

Power of courts to consolidate claims against owners, &c.

504.—F209**[**...**]**

Annotations

Amendments:

F209 Repealed (6.02.1997) by *Merchant Shipping (Liability of Shipowners and Others) Act 1996* (35/1996), s. 3 and sch. 4, S.I. No. 215 of 1997.

Editorial Notes:

E333 Previous affecting provision: application of section construed (6.08.1900) by *Merchant Shipping (Liability of Shipowners and others) Act 1900* (63 & 64 Vict.) c. 32, s. 2(3), commenced on enactment; repealed (6.02.1997) by *Merchant Shipping (Liability of Shipowners and Others) Act 1996* (35/1996), s. 3 and sch. 4, S.I. No. 215 of 1997.

E334 Previous affecting provision: reference to courts construed (16.12.1911) by *Merchant Shipping Act 1911* (1 & 2 Geo. 5) c. 42, s. 1(2), commenced on enactment; repealed (6.02.1997) by *Merchant Shipping (Liability of Shipowners and Others) Act 1996* (35/1996), s. 3 and sch. 4, S.I. No. 215 of 1997.

Part owners to account in respect of damages.

505.—F210**[**...**]**

Annotations

Amendments:

F210 Repealed (6.02.1997) by *Merchant Shipping (Liability of Shipowners and Others) Act 1996* (35/1996), s. 3 and sch. 4, S.I. No. 215 of 1997.

Insurances of certain risks not invalid.

506.—F211**[**...**]**

Annotations

Amendments:

F211 Repealed (6.02.1997) by *Merchant Shipping (Liability of Shipowners and Others) Act 1996* (35/1996), s. 3 and sch. 4, S.I. No. 215 of 1997.

Proof of passengers on board ship.

507.—F212**[**...**]**

Annotations

Amendments:

F212 Repealed (6.02.1997) by *Merchant Shipping (Liability of Shipowners and Others) Act 1996* (35/1996), s. 3 and sch. 4, S.I. No. 215 of 1997.

Liability in certain cases not affected.

508.—F213**[**...**]**

Annotations

Amendments:

F213 Repealed (6.02.1997) by *Merchant Shipping (Liability of Shipowners and Others) Act 1996* (35/1996), s. 3 and sch. 4, S.I. No. 215 of 1997.

Editorial Notes:

E335 Previous affecting provision: part of section inconsistent with 1898 Act repealed (25.07.1898) by*Merchant Shipping (Liability of Shipowners) Act 1898* (61 & 62 Vict.), c. 14, s. 2, commenced on enactment; repealed (6.02.1997) by *Merchant Shipping (Liability of Shipowners and Others) Act 1996* (35/1996), s. 3 and sch. 4, S.I. No. 215 of 1997.

Extent of Part VIII.

509.—F214**[...]**

Annotations

Amendments:

F214 Repealed (6.02.1997) by *Merchant Shipping (Liability of Shipowners and Others) Act 1996* (35/1996), s. 3 and sch. 4, S.I. No. 215 of 1997.

PART IX.

WRECK AND SALVAGE.

Vessels in Distress.

Annotations

Editorial Notes:

E336 Previous affecting provision: application of part extended to aircraft on or over the sea or tidal waters (23.12.1920) by *Air Navigation Act 1920* (10 & 11 Geo. 5) c. 80, s. 11, commenced on enactment subject to transitional provision in s. 20(2); repealed (14.08.1936) by *Air Navigation and Transport Act 1936* (40/1936), s. 8, commenced on enactment.

Definition of " wreck " and "salvage."

510.—F215**[...]**

Annotations

Amendments:

F215 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Editorial Notes:

E337 Previous affecting provision: derelict aircraft included in definition of wreck and application of section extended (10.08.1921) by 1921 Order in Council No. 1286; section repealed as per F-note above.

Duty of receiver where vessel in distress.

511.—F216**[...]**

Annotations

Amendments:

F216 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Editorial Notes:

E338 Previous affecting provision: derelict aircraft included in definition of wreck and application of section extended (10.08.1921) by 1921 Order in Council No. 1286; section repealed as per F-note above.

Powers of the receiver in case of vessels in distress.

512.—F217**[**...**]**

Annotations

Amendments:

F217 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Editorial Notes:

E339 Previous affecting provision: derelict aircraft included in definition of wreck and application of section extended (10.08.1921) by 1921 Order in Council No. 1286; section repealed as per F-note above.

Power to pass over adjoining lands.

513.—F218**[**...**]**

Annotations

Amendments:

F218 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Editorial Notes:

E340 Previous affecting provision: derelict aircraft included in definition of wreck and application of section extended (10.08.1921) by 1921 Order in Council No. 1286; section repealed as per F-note above.

Power of receiver to suppress plunder and disorder by force.

514.—F219**[**...**]**

Annotations

Amendments:

F219 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Editorial Notes:

E341 Previous affecting provision: derelict aircraft included in definition of wreck and application of section extended (10.08.1921) by 1921 Order in Council No. 1286; section repealed as per F-note above.

Liability for damage in case of a vessel plundered.

49 & 50 Vict. c. 38.

1 Geo. 1. st. 2. c. 5.

16 & 17 Vict. c. 38.

515.—F220**[...]**

Annotations

Amendments:

F220 Repealed (6.11.1981) by *Malicious Injuries Act 1981* (9/1981), s. 4(1) and sch. 1, commenced as per s. 1(2).

Editorial Notes:

E342 Previous affecting provision: claim for personal injury under section excluded for period 11.07.1921 to 20.03.1923 (12.05.1923) by *Damage To Property (Compensation) Act 1923* (15/1923), s. 17 and sch. 2, commenced on enactment; section repealed as per F-note above.

E343 Previous affecting provision: derelict aircraft included in definition of wreck and application of section extended (10.08.1921) by 1921 Order in Council No. 1286; section repealed as per F-note above.

E344 Previous affecting provision: application of section modified (16.04.1919) by *Criminal Injuries (Ireland) Act 1919* (9 & 10 Geo. 5) c. 8, s. 1, commenced on enactment; repealed (12.05.1923) by *Damage to Property (Compensation) Act 1923*(15/1923), s. 22(1) and sch. 1, commenced on enactment.

E345 Previous affecting provision: functions of grand jury under section transferred to county court in so far as section relates to Ireland (1.04.1899) by *Local Government (Ireland) Act 1898* (61 & 62 Vict.) c. 37, s. 5(1) and sch. part I, commenced as per s. 124(1); repealed (6.11.1981) by *Malicious Injuries Act 1981* (9/1981), s. 4(1) and sch. 1, commenced as per s. 1(2).

Exercise of powers of receiver in his absence.

516.—F221**[...]**

Annotations

Amendments:

F221 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Editorial Notes:

E346 Previous affecting provision: derelict aircraft included in definition of wreck and application of section extended (10.08.1921) by 1921 Order in Council No. 1286; section repealed as per F-note above.

Examination in respect of ships in distress.

517.—F222**[**...**]**

Annotations

Amendments:

F222 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Editorial Notes:

E347 Application of section excluded from application to aircraft (10.08.1921) by 1921 Order in Council No. 1286, para. (9); section repealed as per F-note above.

Dealing with Wreck.

Provision as to wreck found or brought within the United Kingdom.

518.—F223**[**...**]**

Annotations

Amendments:

F223 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Editorial Notes:

E348 Previous affecting provision: derelict aircraft included in definition of wreck and application of section extended (10.08.1921) by 1921 Order in Council No. 1286; section repealed as per F-note above.

E349 Previous affecting provision: application of section extended (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 72, commenced as per s. 86(2); repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Penalty for taking wreck at time of casualty.

519.—F224**[**...**]**

Annotations

Amendments:

F224 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Editorial Notes:

E350 Previous affecting provision: derelict aircraft included in definition of wreck and application of section extended (10.08.1921) by 1921 Order in Council No. 1286; section repealed as per F-note above.

Notice of wreck to be given by receiver.

520.—F225**[...]**

Annotations

Amendments:

F225 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Editorial Notes:

E351 Previous affecting provision: derelict aircraft included in definition of wreck and application of section extended (10.08.1921) by 1921 Order in Council No. 1286; section repealed as per F-note above.

Claims of owners to wreck.

521.—F226**[...]**

Annotations

Amendments:

F226 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Editorial Notes:

E352 Previous affecting provision: application of subs. (2) extended (10.03.1954) by *Consular Conventions Act 1954* (10/1954), s. 12(2), commenced on enactment.

E353 Previous affecting provision: derelict aircraft included in definition of wreck and application of section extended (10.08.1921) by 1921 Order in Council No. 1286; section repealed as per F-note above.

E354 Previous affecting provision: application of section extended to aircraft on or over the sea or tidal waters (23.12.1920) by *Air Navigation Act 1920* (10 & 11 Geo. 5) c. 80, s. 11, commenced as per s. 20(2); repealed (14.08.1936) by *Air Navigation and Transport Act 1936* (40/1936), s. 8, commenced on enactment.

Immediate sale of wreck by receiver in certain cases.

522.—F227**[**...**]**

Annotations

Amendments:

F227 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Editorial Notes:

E355 Previous affecting provision: derelict aircraft included in definition of wreck and application of section extended (10.08.1921) by 1921 Order in Council No. 1286; section repealed as per F-note above.

Unclaimed Wreck.

Right of Crown to unclaimed wreck.

523.—F228**[**...**]**

Annotations

Amendments:

F228 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Editorial Notes:

E356 Previous affecting provision: derelict aircraft included in definition of wreck and application of section extended (10.08.1921) by 1921 Order in Council No. 1286; section repealed as per F-note above.

Notice of unclaimed wreck to be given to persons entitled.

524.—F229**[**...**]**

Annotations

Amendments:

F229 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Editorial Notes:

E357 Previous affecting provision: derelict aircraft included in definition of wreck and application of section extended (10.08.1921) by 1921 Order in Council No. 1286; section repealed as per F-note above.

Disposal of unclaimed wreck.

525.—F230**[**...**]**

Annotations

Amendments:

F230 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Editorial Notes:

E358 Previous affecting provision: derelict aircraft included in definition of wreck and application of section extended (10.08.1921) by 1921 Order in Council No. 1286; section repealed as per F-note above.

E359 Previous affecting provision: subs. (2)(c) amended (21.12.1908) by *Statute Law Revision Act 1908* (8 Edw. 7) c. 49, s. 1 and sch 1, commenced on enactment; section repealed as per F-note above.

Disputed title to unclaimed wreck.

526.—F231**[...]**

Annotations

Amendments:

F231 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Editorial Notes:

E360 Previous affecting provision: derelict aircraft included in definition of wreck and application of section extended (10.08.1921) by 1921 Order in Council No. 1286; section repealed as per F-note above.

Delivery of unclaimed wreck by receivers not to prejudice title.

527.—F232**[...]**

Annotations

Amendments:

F232 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Editorial Notes:

E361 Previous affecting provision: derelict aircraft included in definition of wreck and application of section extended (10.08.1921) by 1921 Order in Council No. 1286; section repealed as per F-note above.

Power to Board of Trade to purchase rights to wreck.

528.—F233**[...]**

Annotations

Amendments:

F233 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Editorial Notes:

E362 Previous affecting provision: derelict aircraft included in definition of wreck and application of section extended (10.08.1921) by 1921 Order in Council No. 1286; section repealed as per F-note above.

Admiral not to interfere with wreck.

529.—F234**[...]**

Annotations

Amendments:

F234 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Editorial Notes:

E363 Previous affecting provision: derelict aircraft included in definition of wreck and application of section extended (10.08.1921) by 1921 Order in Council No. 1286; section repealed as per F-note above.

Removal of Wrecks.

Removal of wreck by harbour or conservancy authority.

530.—F235**[...]**

Annotations

Amendments:

F235 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Editorial Notes:

E364 Previous affecting provision: derelict aircraft included in definition of wreck and application of section extended (10.08.1921) by 1921 Order in Council No. 1286; section repealed as per F-note above.

Power of lighthouse authority to remove wreck.

531.—F236**[...]**

Annotations

Amendments:

F236 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Editorial Notes:

E365 Previous affecting provision: derelict aircraft included in definition of wreck and application of section extended (10.08.1921) by 1921 Order in Council No. 1286; section repealed as per F-note above.

E366 Previous affecting provision: reference to the Mercantile Marine Fund construed as reference to the General Lighthouse Fund (1.04.1899) by *Merchant Shipping (Mercantile Marine Fund) Act 1898* (61 & 62 Vict.) c. 44, s. 1(a)-(c), commenced as per s. 9(3); section repealed as per F-note above.

Powers of removal to extend to tackle, cargo, &c.

532.—F237**[...]**

Annotations

Amendments:

F237 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Editorial Notes:

E367 Previous affecting provision: derelict aircraft included in definition of wreck and application of section extended (10.08.1921) by 1921 Order in Council No. 1286; section repealed as per F-note above.

Power for Board of Trade to determine certain questions between authorities.

533.—F238**[...]**

Annotations

Amendments:

F238 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Editorial Notes:

E368 Previous affecting provision: derelict aircraft included in definition of wreck and application of section extended (10.08.1921) by 1921 Order in Council No. 1286; section repealed as per F-note above.

Powers to be cumulative.

534.—F239**[**...**]**

Annotations

Amendments:

F239 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Editorial Notes:

E369 Previous affecting provision: derelict aircraft included in definition of wreck and application of section extended (10.08.1921) by 1921 Order in Council No. 1286; section repealed as per F-note above.

Offences in respect of Wreck.

Taking wreck to foreign port.

535.—F240**[**...**]**

Annotations

Amendments:

F240 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Editorial Notes:

E370 Previous affecting provision: derelict aircraft included in definition of wreck and application of section extended (10.08.1921) by 1921 Order in Council No. 1286; section repealed as per F-note above.

Interfering with wrecked vessel or wreck.

536.—F241**[**...**]**

Annotations

Amendments:

F241 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Editorial Notes:

E371 Previous affecting provision: derelict aircraft included in definition of wreck and application of section extended (10.08.1921) by 1921 Order in Council No. 1286; section repealed as per F-note above.

Summary procedure for concealment of wreck.

537.—F242**[**...**]**

Annotations

Amendments:

F242 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Editorial Notes:

E372 Previous affecting provision: derelict aircraft included in definition of wreck and application of section extended (10.08.1921) by 1921 Order in Council No. 1286; section repealed as per F-note above.

Marine Store Dealers.

Marine store dealer to have his name and trade painted on his shop.

538.—F243**[**...**]**

Annotations

Amendments:

F243 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Editorial Notes:

E373 Previous affecting provision: application of section excluded from application to aircraft (10.08.1921) by 1921 Order in Council No. 1286, para (11); section repealed as per F-note above.

Marine store dealer to keep proper books.

539.—F244**[**...**]**

Annotations

Amendments:

F244 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Editorial Notes:

E374 Previous affecting provision: application of section excluded from application to aircraft (10.08.1921) by 1921 Order in Council No. 1286, para. (11); section repealed as per F-note above.

Marine store dealer not to purchase from person under sixteen.

540.—F245**[**...**]**

Annotations

Amendments:

F245 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Editorial Notes:

E375 Previous affecting provision: application of section excluded from application to aircraft (10.08.1921) by 1921 Order in Council No. 1286, para. (11); section repealed as per F-note above.

Marine store dealer not to cut up cable, &c.

541.—F246**[**...**]**

Annotations

Amendments:

F246 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. (1) and sch. 1, S.I. No. 32 of 1994.

Editorial Notes:

E376 Previous affecting provision: application of section excluded from application to aircraft (10.08.1921) by 1921 Order in Council No. 1286, para. (11); section repealed as per F-note above.

Permit to be advertised before dealer proceeds to act thereon.

542.—F247**[**...**]**

Annotations

Amendments:

F247 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Editorial Notes:

E377 Previous affecting provision: application of section excluded from application to aircraft (10.08.1921) by 1921 Order in Council No. 1286, para. (11); section repealed as per F-note above.

Marking of Anchors.

Marking of anchors.

543.—F248**[**...**]**

Annotations

Amendments:

F248 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Editorial Notes:

E378 Previous affecting provision: application of section excluded from application to aircraft (10.08.1921) by 1921 Order in Council No. 1286, para. (11); section repealed as per F-note above.

Salvage.

Salvage payable for saving life.

544.—F249**[**...**]**

Annotations

Amendments:

F249 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Editorial Notes:

E379 Previous affecting provision: reference to the Mercantile Marine Fund construed as reference to the General Lighthouse Fund (1.04.1899) by *Merchant Shipping (Mercantile Marine Fund) Act 1898* (61 & 62 Vict.) c. 44, s. 1(a)-(c), commenced as per s. 9(3); section repealed as per F-note above.

Salvage of life from foreign vessels.

545.—F250**[**...**]**

Annotations

Amendments:

F250 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Salvage of cargo or wreck.

546.—F251**[**...**]**

Annotations

Amendments:

F251 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Procedure in Salvage.

Determination of salvage disputes.

547.—F252**[**...**]**

31 & 32 Vict. c. 71.

30 & 31 Vict. c. 114.

Annotations

Amendments:

F252 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Editorial Notes:

E380 Previous affecting provision: reference to recorder or the chairman of quarter sessions in subs. (4)(c) construed as a judge of the Circuit Court (29.09.1961) by *Courts (Supplemental Provisions) Act 1961* (39/1961), s. 22(4)(a) and sch. 5, S.I. No. 217 of 1961; section repealed as per F-note above.

Determination of disputes as to salvage summarily.

548.—F253**[**...**]**

Annotations

Amendments:

F253 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Editorial Notes:

E381 Previous affecting provision: application of subs. (2) modified for aircraft (10.08.1921) by 1921 Order in Council No. 1286, para. (12); section repealed as per F-note above.

Appeal in case of salvage disputes

549.—F254**[**...**]**

Annotations

Amendments:

F254 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

As to arbitrators in Ireland.

550.—F255**[**...**]**

Annotations

Amendments:

F255 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Editorial Notes:

E382 Previous affecting provision: application of subs. (3) modified for aircraft (10.08.1921) by 1921 Order in Council No. 1286, para. (12); section repealed as per F-note above.

Valuation of property by receiver.

551.—F256**[**...**]**

Annotations

Amendments:

F256 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Detention of property liable for salvage by a receiver.

552.—F257**[**...**]**

Annotations

Amendments:

F257 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Sale of detained property by receiver.

553.—F258**[**...**]**

Annotations

Amendments:

F258 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Agreement as to salvage.

554.—F259**[**...**]**

Annotations

Amendments:

F259 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Apportionment of salvage under 200*l*. by receiver.

555.—F260**[**...**]**

Annotations

Amendments:

F260 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Apportionment of salvage by Admiralty Courts.

556.—F261**[**...**]**

Annotations

Amendments:

F261 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Salvage by Her Majesty's Ships.

Salvage by Her Majesty's ships.

557.—F262**[**...**]**

Annotations

Amendments:

F262 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Editorial Notes:

E383 Previous affecting provision: application of section extended to aircraft (10.08.1921) by 1921 Order in Council No. 1286 made under the *Air Navigation Act 1920* (10 & 11 Geo. 5) c. 80; section repealed as per F-note above.

Salvage by Her Majesty's ships abroad.

558.—F263**[**...**]**

Annotations

Amendments:

F263 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Provisions as to bond to be executed.

559.—F264**[**...**]**

Annotations

Amendments:

F264 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Execution of bond.

560.—F265**[**...**]**

Annotations

Amendments:

F265 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Enforcement of bond.

561.—F266**[**...**]**

Annotations

Amendments:

F266 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Editorial Notes:

E384 Previous affecting provision: application of section extended to aircraft on or over the sea or tidal waters (23.12.1920) by *Air Navigation Act 1920* (10 & 11 Geo. 5) c. 80, s. 11, commenced as per s. 20(2); repealed (14.08.1936) by *Air Navigation and Transport Act 1936* (40/1936), s. 8, commenced on enactment.

Saving for other salvage rights.

562.—F267**[**...**]**

Annotations

Amendments:

F267 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Exemption from stamp duty.

563.—F268**[...]**

Annotations

Amendments:

F268 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Punishment for forgery and false representations.

564.—F269**[...]**

Annotations

Amendments:

F269 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Jurisdiction of High Court in Salvage.

Jurisdiction of High Court in salvage.

565.—F270**[...]**

Annotations

Amendments:

F270 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Appointment of Receivers of Wreck.

Appointment of receivers of wreck.

566.—F271**[...]**

Annotations

Amendments:

F271 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Fees of Receivers of Wreck.

Receivers' fees.

567.—F272**[...]**

Annotations

Amendments:

F272 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Editorial Notes:

E385 Previous affecting provision: reference to the Mercantile Marine Fund in subs. (4) construed as reference to the General Lighthouse Fund (1.04.1899) by *Merchant Shipping (Mercantile Marine Fund) Act 1898* (61 & 62 Vict.) c. 44, s. 1(a)-(c), commenced as per s. 9(3); section repealed as per F-note above.

Remuneration for services by coastguard.

568.—F273**[...]**

Annotations

Amendments:

F273 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Duties on Wreck.

Provisions as to duties, &c. on wrecked goods.

569.—F274**[...]**

Annotations

Amendments:

F274 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Supplemental.

Powers of sheriff in Scotland

570.—F275**[...]**

Annotations

Amendments:

F275 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

Saving for Cinque ports.

571.—F276**[...]**

Annotations

Amendments:

F276 Repealed (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 5(1) and sch. 1, S.I. No. 32 of 1994.

PART X.

PILOTAGE.

Preliminary.

Application of Part X.

572.—F277**[...]**

Annotations

Amendments:

F277 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Pilotage authority.

573.—F278**[...]**

Annotations

Amendments:

F278 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Continuance of existing pilotage authorities.

574.—F279**[...]**

Annotations

Amendments:

F279 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Powers of Board of Trade as to Pilotage Districts and Authorities.

Constitution of new pilotage authorities.

575.—F280**[**...**]**

Annotations

Amendments:

F280 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Transfer of pilotage jurisdiction.

576.—F281**[**...**]**

Annotations

Amendments:

F281 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Direct representation of pilots, &c. on pilotage authority.

577.—F282**[**...**]**

Annotations

Amendments:

F282 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Exemption from compulsory pilotage.

578.—F283**[**...**]**

Annotations

Amendments:

F283 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Power of Board of Trade to give facilities with respect to licences, rates, &c.

579.—F284**[**...**]**

Annotations

Amendments:

F284 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Making and confirming provisional orders.

580.—F285**[**...**]**

Annotations

Amendments:

F285 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Byelaws by Pilotage Authorities.

Power of pilotage authorities as to exemptions from compulsory pilotage.

581.—F286**[**...**]**

Annotations

Amendments:

F286 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Power of pilotage authorities to make byelaws.

582.—F287**[**...**]**

Annotations

Amendments:

F287 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Confirmation of byelaws.

583.—F288**[**...**]**

Annotations

Amendments:

F288 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Appeal against byelaws or regulations not made under this Act.

584.—F289**[**...**]**

Annotations

Amendments:

F289 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Returns by Pilotage Authorities.

Returns by pilotage authorities to Board of Trade.

585.—F290**[**...**]**

Annotations

Amendments:

F290 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Licensing of Pilots.

Registration of pilot licences.

586.—F291**[**...**]**

Annotations

Amendments:

F291 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Copies of pilotage provisions to be furnished to pilot.

587.—F292**[**...**]**

Annotations

Amendments:

F292 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Licensed pilot to produce licence to employer.

588.—F293**[**...**]**

(2) If a qualified pilot refuses, on the request of any such person, to produce his licence, he shall for each offence be liable to a fine not exceeding ten pounds, and shall be subject to suspension or dismissal by the pilotage authority by whom he is licensed.

Annotations

Amendments:

F293 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Editorial Notes:

E386 A fine of £10 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

Production and return of licence to pilotage authority.

589.—F294**[**...**]**

Annotations

Amendments:

F294 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Penalty on fraudulent use of licence.

590.—F295**[**...**]**

Annotations

Amendments:

F295 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Recovery of Pilotage Dues and other Rights of Pilots.

Recovery of pilotage dues.

591.—F296**[**...**]**

Annotations

Amendments:

F296 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Receiving or offering improper rates of pilotage.

592.—F297**[**...**]**

Annotations

Amendments:

F297 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Pilotage rate for leading ships.

593.—F298**[**...**]**

Annotations

Amendments:

F298 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Allowance to licensed pilot taken out of his district.

594.—F299**[**...**]**

Annotations

Amendments:

F299 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Penalty on making a false declaration to pilot as to draught of ship.

595.—F300**[**...**]**

Annotations

Amendments:

F300 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5 c. 31), s. 60(1) and sch. 2, commenced as per s. 59.

Occasions on which unqualified pilots may act.

596.—F301**[**...**]**

Annotations

Amendments:

F301 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Power of qualified to supersede unqualified pilot.

597.—F302**[**...**]**

Annotations

Amendments:

F302 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Penalties as to employment of unqualified pilot.

598.—F303**[**...**]**

Annotations

Amendments:

F303 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Pilotage Certificates for Masters and Mates.

Grant of pilotage certificates to masters and mates.

599.—F304**[**...**]**

Annotations

Amendments:

F304 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Editorial Notes:

E387 Previous affecting provision: application of s. (2) restricted (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 73, commenced as per s. 86(2); repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31. s. 60 and sch. 2.

Appeal by master or mate to Board of Trade

600.—F305**[...]**

Annotations

Amendments:

F305 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Withdrawal of certificate.

601.—F306**[...]**

Annotations

Amendments:

F306 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Fees for pilotage certificates.

602.—F307**[...]**

Annotations

Amendments:

F307 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s.60(1) and sch. 2, commenced as per s. 59.

Compulsory Pilotage.

Compulsory pilotage.

603.—F308**[...]**

Annotations

Amendments:

F308 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Home trade passenger ships to carry pilots.

604.—F309**[**...**]**

Annotations

Amendments:

F309 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Exemption from compulsory pilotage.

605.—F310**[**...**]**

Annotations

Amendments:

F310 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Offences, and suspension and dismissal, of Pilots.

Offences of pilots.

606.—F311**[**...**]**

Annotations

Amendments:

F311 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Penalty on pilot endangering ship, life, or limb.

607.—F312**[**...**]**

Annotations

Amendments:

F312 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Penalty on pilot obtaining charge of a ship by misrepresentation.

608.—F313**[**...**]**

Annotations

Amendments:

F313 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Powers of pilotage committee to suspend or dismiss pilot.

609.—F314**[**...**]**

Annotations

Amendments:

F314 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Appeals from suspension or dismissal.

51 & 52 Vict c. 43.

6 & 7 Will. 4. c. 13.

40 & 41 Vict. c. 56.

610.—F315**[**...**]**

Annotations

Amendments:

F315 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Pilot Boats and Pilot Signals.

Approval of pilot boats.

611.—F316**[**...**]**

Annotations

Amendments:

F316 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Characteristics of pilot boats.

612.—F317**[**...**]**

Annotations

Amendments:

F317 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Display of pilot flag when pilot is on board vessel.

613.—F318**[**...**]**

Annotations

Amendments:

F318 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Penalty on ordinary boat displaying pilot flag.

614.—F319**[**...**]**

Annotations

Amendments:

F319 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Signals to be displayed by ships requiring a pilot.

615.—F320**[**...**]**

Annotations

Amendments:

F320 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Editorial Notes:

E388 Previous affecting provision: power pursuant to section exercised (29.06.1900) by *Order in Council on Merchant Shipping Pilot Signals*; section repealed as per F-note above. This Order revoked an Order in Council made (12.12.1894) on the same subject.

Trinity House.

Power of Trinity House to alter regulations.

616.—F321**[**...**]**

Annotations

Amendments:

F321 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Sub-Commissioners (*Trinity House*).

Power of Trinity House to appoint sub-commissioners.

617.—F322**[**...**]**

Annotations

Amendments:

F322 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Licensing of Pilots by Trinity House.

Licensing of pilots by Trinity House within certain limits.

618.—F323**[**...**]**

Annotations

Amendments:

F323 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Regulations as to pilots licences.

619.—F324**[**...**]**

Annotations

Amendments:

F324 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Pilot's liability limited.

620.—F325**[**...**]**

Annotations

Amendments:

F325 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Power to revoke and suspend licences.

621.—F326**[**...**]**

Annotations

Amendments:

F326 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Compulsory Pilotage (*Trinity House*).

Compulsory pilotage districts of Trinity House.

622.—F327**[**...**]**

Annotations

Amendments:

F327 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Constant supply of pilots at Dungeness.

623.—F328**[**...**]**

Annotations

Amendments:

F328 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Ships from London coming past Dungeness to take the first pilot.

624.—F329**[**...**]**

Annotations

Amendments:

F329 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Exemption from compulsory pilotage.

625.—F330**[**...**]**

Annotations

Amendments:

F330 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Rates of Pilotage (*Trinity Rouse*).

Rates of pilotage.

626.—F331**[**...**]**

Annotations

Amendments:

F331 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5 c. 31), s. 60(1) and sch. 2, commenced as per s. 59.

Pilotage dues for foreign ships for port of London.

627.—F332**[**...**]**

Annotations

Amendments:

F332 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Receipt and application of pilotage dues payable by foreign ships.

628.—F333**[**...**]**

Annotations

Amendments:

F333 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Settlement of difference as to draught of ship.

629.—F334**[**...**]**

Annotations

Amendments:

F334 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1(1)) and sch. 2, commenced as per s. 59.

Pilot Fund (*Trinity House*.)

Payments to be made to the Pilot Fund.

630.—F335**[**...**]**

Annotations

Amendments:

F335 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5 c. 31), s. 60(1) and sch. 2, commenced as per s. 59.

Application of fund.

631.—F336**[**...**]**

Annotations

Amendments:

F336 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Appointment of sub-commissioners by Trinity Houses of Hull and Newcastle.

632.—F337**[**...**]**

Annotations

Amendments:

F337 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 60(1) and sch. 2, commenced as per s. 59.

Saving for Liability of Owners and Masters.

Limitation of liability of owner or masters where pilotage is compulsory.

633.—F338**[...]**

Annotations

Amendments:

F338 Repealed (1.01.1918) by *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31, s. 15(3), commenced as per subs. (2).

PART XI.

LIGHTHOUSES.

General Management.

Management of lighthouses, buoys, and beacons.

634.—(1) Subject to the provisions of this Part of this Act, and subject also to any powers or rights now lawfully enjoyed or exercised by any person or body of persons having by law or usage authority over local lighthouses, buoys, or beacons, (in this Act referred to as " local lighthouse authorities, ") the superintendence and management of all lighthouses, buoys, and beacons shall within the following areas be vested in the following bodies; namely,—

(*a*) Throughout England and Wales, and the Channel Islands, and the adjacent seas and islands, and at Gibraltar, in the Trinity House;

(*b*) Throughout Scotland and the adjacent seas and islands, and the Isle of Man, in the Commissioners of Northern Lighthouses; and

(*c*) Throughout Ireland and the adjacent seas and islands, in the Commissioners of Irish Lights,

and those bodies are in this Act referred to as the general lighthouse authorities, and those areas as lighthouse areas.

(2) Subject to the provisions of this Part of this Act, the general lighthouse authorities shall respectively continue to hold and maintain all property now vested in them in that behalf in the same manner and for the same purposes as they have hitherto held and maintained the same.

Returns and information to Board of Trade.

635.—The general lighthouse authorities, and their respective officers, shall at all times give to the Board of Trade all such returns, explanations or information, in relation to the lighthouses, buoys, or beacons within their respective areas, and the management thereof, as the Board require.

Power of Board of Trade to inspect on complaint made.

636.—(1) The Board of Trade may, on complaint that any lighthouse, buoy, or beacon under the management of any of the general lighthouse authorities, or any work connected therewith, is inefficient or improperly managed or is unnecessary, authorise any persons appointed by them to inspect the same.

(2) A person so authorised may inspect the same accordingly, and make any inquiries in respect thereof, and of the management thereof, which he thinks fit; and all officers and others having the care of any such lighthouses, buoys, or beacons, or concerned in the management thereof, shall furnish any information and explanation in relation thereto which the person inspecting requires.

Inspection by Trinity House.

637.—The Trinity House, and any of their engineers, workmen, and servants, may at all times enter any lighthouse within any of the lighthouse areas for the purpose of viewing their condition or otherwise for the purposes of this Act.

Construction of Lighthouses, &c.

General power of lighthouse autorities.

638.—A general lighthouse authority shall, within their area but subject, in the case of the Commissioners of Northern Lighthouses and the Commissioners of Irish Lights, to the restrictions enacted in this Part of this Act, have the following powers (in this Act referred to as lighthouse powers); namely, powers—

(*a*) to erect or place any lighthouse, with all requisite works, roads, and appurtenances:

(*b*) to add to, alter, or remove any lighthouse:

(*c*) to erect or place any buoy or beacon, or alter or remove any buoy or beacon:

(*d*) to vary the character of any lighthouse or the mode of exhibiting lights therein.

Power as to land.

639.—(1) A general lighthouse authority may take and purchase any land which may be necessary for the exercise of their lighthouse powers, or for the maintenance of their works or for the residence of the light keepers, and for that purpose the Lands Clauses Acts shall be incorporated with this Act and shall apply to all lighthouses to be constructed and all land to be purchased under the powers thereof.

(2) A general lighthouse authority may sell any land belonging to them.

Restrictions on exercise of lighthouse powers by Commissioners.

640.—(1) When the Commissioners of Northern Lighthouses or the Commissioners of Irish Lights propose to exercise any of their lighthouse powers, they shall submit a scheme to the Trinity House specifying the mode in which they propose to exercise the power, and their reasons for wishing to exercise the same, and they shall not exercise any such power until they have so submitted a scheme to the Trinity House and obtained the sanction of the Board of Trade in manner provided by this Act.

(2) The Trinity House shall take into consideration any scheme so submitted to them, and shall make a report, stating their approval or rejection of the scheme with or without modification, and shall send a copy of the report to the Commissioners by whom the scheme is submitted.

(3) For the purpose of obtaining the sanction of the Board of Trade to any scheme so submitted to the Trinity House, the Trinity House shall send a copy of the scheme and of their report thereon, and of any communications which have passed with reference thereto between them and the Commissioners by whom the scheme is submitted, to the Board of Trade, and that Board may give any directions they think fit with reference to the scheme, and may grant or withhold their sanction either wholly or subject to any conditions or modifications they think fit.

(4) The Commissioners by whom a scheme is submitted may, before a decision on the scheme is given by the Board of Trade, forward either to that Board or to the Trinity House any suggestions or observations with respect to the scheme or the report of the Trinity House thereon, and the Board of Trade in giving any decision on the scheme shall consider those suggestions or observations.

(5) The decision of the Board of Trade with reference to any scheme shall be communicated by that Board to the Trinity House, and by the Trinity House to the Commissioners by whom the scheme is submitted, and those Commissioners shall act in conformity with the decision.

Power of Trinity House to direct lighthouse works to be done.

641.—(1) The Trinity House may, with the sanction of the Board of Trade, direct the Commissioners of Northern Lighthouses or the Commissioners of Irish Lights—

(*a*) to continue any lighthouse, buoy, or beacon:

(*b*) to erect or place any lighthouse, buoy, or beacon, or add to, alter, or remove any existing lighthouse, buoy, or beacon:

(*c*) to vary the character of any lighthouse or the mode of exhibiting lights therein:

and the Commissioners shall be bound within a reasonable time to obey any directions so given and sanctioned.

(2) For the purpose of obtaining the sanction of the Board of Trade to any direction under this section, the Trinity House shall make a written application to the Board of Trade showing fully the work which they propose to direct and their reasons for directing the same, and shall give notice in writing of the application to the Commissioners to whom they propose to give the direction at their principal office in Edinburgh or Dublin, as the case may be.

(3) Before the Board of Trade decide on any such application an opportunity shall be given to the Commissioners to whom it is proposed to give the direction for making any representation which they may think fit to make with regard to the application to the Board of Trade or the Trinity House.

Additions to lighthouses.

642.—Where any improved light, or any siren or any description of fog signal has been added to an existing lighthouse, the light, siren or signal may, for the purposes of this Part of this Act, be treated as if it were a separate lighthouse.

Light Dues.

Light dues payable in respect of certain ships.

643.—F339**[**...**]**Light dues shall be payable in respect of all ships whatever, except ships belonging to Her Majesty, and ships exempted from payment thereof in pursuance of this Act.

Annotations

Amendments:

F339 Repealed (1.04.1899) by *Merchant Shipping (Mercantile Marine Fund) Act 1898* (61 & 62 Vict.) c. 44, s. 8 and sch. 4, commenced as per s. 9(3).

Dues for new lighthouses.

644.—F340**[**...**]**

Annotations

Amendments:

F340 Repealed (1.04.1899) by *Merchant Shipping (Mercantile Marine Fund) Act 1898* (61 & 62 Vict.) c. 44, s. 8 and sch. 4, commenced as per s. 9(3).

Revision of light dues by Order in Council.

645.—F341**[**...**]**

Annotations

Amendments:

F341 Repealed (1.04.1899) by *Merchant Shipping (Mercantile Marine Fund) Act 1898* (61 & 62 Vict.) c. 44, s. 8 and sch. 4, commenced as per s. 9(3).

Regulation of light dues by lighthouse authorities.

646.—F342**[**...**]**

Annotations

Amendments:

F342 Repealed (1.04.1899) by *Merchant Shipping (Mercantile Marine Fund) Act 1898* (61 & 62 Vict.) c. 44, s. 8 and sch. 4, commenced as per s. 9(3).

Publication of light dues and regulations.

647.—Tables of all light dues, and a copy of the regulations for the time being in force in respect thereof, shall be posted up at all custom houses in the United Kingdom, and for that purpose each of the general lighthouse authorities shall furnish copies of all such tables and regulations to the Commissioners of Customs in London, and to the chief officers of customs resident at all places where light dues are collected on account of that lighthouse authority; and those copies shall be posted up by the Commissioners of Customs at the Custom House in London, and by the chief officers of customs at the custom houses of the places at which they are respectively resident.

Application and collection of light dues.

648.—(1) All light dues coming into the hands of any general lighthouse authority under this Act shall be carried to the Mercantile Marine Fund.

(2) Every person appointed to collect light dues by any of the general lighthouse authorities shall collect all light dues payable at the port at which he is so appointed, whether they are collected on account of the authority by whom he was appointed or on account of one of the other general lighthouse authorities.

(3) Any person so appointed to collect light dues shall pay over to the general lighthouse authority by whom he was appointed, or as that authority directs, the whole amount of light dues received by him; and the authority receiving the dues shall keep accounts thereof, and shall cause the dues to be remitted to Her Majesty's Paymaster-General in such manner as the Board of Trade direct.

Annotations

Modifications (not altering text):

C147 Reference to Mercantile Marine Fund construed as a reference to the General Lighthouse Fund (1.04.1899) by *Merchant Shipping (Mercantile Marine Fund) Act 1898* (61 & 62 Geo. 5) c. 44, s. 1(1)(b), (c), commenced as per s. 9(3).

Abolition of Mercantile Marine Fund and constitution of General Lighthouse Fund.

1.—(1) ...

(b) All expenses charged on and payable out of the Mercantile Marine Fund, except the expenses relating to lighthouses, buoys, and beacons mentioned in paragraph (i) of section six hundred and seventy-seven of the same Act, and except also any expenses incurred by a general lighthouse authority under section five hundred and thirty-one of the same Act, shall, so far as they are not paid by any private person, be paid out of moneys provided by Parliament:

(c) The said excepted sums shall be accounted for and paid to, and the said excepted expenses shall be charged on and payable out of, a fund which shall be called the General Lighthouse Fund, and references in Part XI. and in sections five hundred and thirty-one and six hundred and seventy-nine of the Merchant Shipping Act, 1894, to the Mercantile Marine Fund shall be construed as references to the General Lighthouse Fund.

...

Recovery of light dues.

649.—(1) The following persons shall be liable to pay light dues for any ship in respect of which light dues are payable; namely,—

(*a*) The owner or master; or

(*b*) Such consignees or agents thereof as have paid, or made themselves liable to pay, any other charge on account of the ship in the port of her arrival or discharge;

and those dues may be recovered in the same manner as fines of a like amount under this Act.

(2) Any consignee or agent (not being the owner or master of the ship) who is hereby made liable for the payment of light dues in respect of any ship, may, out of any moneys received by him on account of that ship or belonging to the owner thereof, retain the amount of all light dues paid by him, together with any reasonable expenses he may have incurred by reason of the payment of the dues or his liability to pay the dues.

Distress on ship for light dues.

650.—(1) If the owner or master of any ship fails, on demand of the authorised collector, to pay the light dues due in respect thereof, that collector may, in addition to any other remedy which he or the authority by whom he is appointed is entitled to use, enter upon the ship, and distrain the goods, guns, tackle, or any thing belonging to, or on board, the ship, and detain that distress until the light dues are paid.

(2) If payment of the light dues is not made within the period of three days next ensuing the distress, the collector may, at any time during the continuance of the non-payment, cause the distress to be appraised by two sufficient persons or sworn appraisers, and thereupon sell the same, and apply the proceeds in payment of the light dues due, together with all reasonable expenses incurred by him under this section, paying the surplus (if any), on demand, to the owner or master of the ship.

Receipt for light dues.

651.—A receipt for light dues shall be given by the person appointed to collect the same to every person paying the same, and a ship may be detained at any port where light dues are payable in respect of any ship, until the receipt for the light dues is produced to the proper officer of customs.

Local Lighthouses.

Inspection of local lighthouses.

652.— (1) It shall be the duty of each of the general lighthouse authorities, or of any persons authorised by that authority for the purpose, to inspect all lighthouses, buoys, and beacons situate within their area, but belonging to or under the management of any local lighthouse authority, and to make such inquiries in respect thereof and of the management thereof as they think fit.

(2) All officers and others having the care of any such local lighthouses, buoys, or beacons, or concerned in the management thereof, shall furnish all such information and explanations concerning the same as the general lighthouse authority require.

(3) All local lighthouse authorities and their officers shall at all times give to the general lighthouse authority all such returns, explanations, or information concerning the lighthouses, buoys, and beacons under their management and the management thereof, as the general lighthouse authority require.

(4) The general lighthouse authority shall communicate to each local lighthouse authority the results of the inspection of their lighthouses, buoys, and beacons, and shall also make general reports of the results of their inspection of local lighthouses, buoys, and beacons to the Board of Trade; and those reports shall be laid before Parliament.

Control of local lighthouse authorities by general lighthouse authorities.

653.—(1) A general lighthouse authority may, within their area, with the sanction of the Board of Trade, and after giving due notice of their intention, direct a local lighthouse authority to lay down buoys, or to remove or discontinue any lighthouse, buoy, or beacon, or to make any variation in the character of any lighthouse, buoy, or beacon, or in the mode of exhibiting lights in any lighthouse, buoy, or beacon.

(2) A local lighthouse authority shall not erect or place any lighthouse, buoy, or beacon, or remove or discontinue any lighthouse, buoy, or beacon, or vary the character of any lighthouse, buoy, or beacon, or the mode of exhibiting lights in any lighthouse, buoy, or beacon, without the sanction of the general lighthouse authority.

(3) If a local lighthouse authority having power to erect, place, or maintain any lighthouse, buoy, or beacon, at any place within a lighthouse area, fail to do so, or fail to comply with the direction of a general lighthouse authority under this section with respect to any lighthouse, buoy, or beacon, Her Majesty may, on the application of the general lighthouse authority, by Order in Council, transfer any powers of the local lighthouse authority with respect to that lighthouse, buoy, or beacon, including the power of levying dues, to the general lighthouse authority.

(4) On the making of any Order in Council under this section, the powers transferred shall be vested in the general lighthouse authority to whom they are transferred, and the lighthouse, buoy, or beacon in respect of which the Order is made, and the dues leviable in respect thereof, shall respectively be subject to the same provisions as those to which a lighthouse, buoy, or beacon provided by that general lighthouse authority under this Part of this Act, and the light dues leviable under this Part of this Act are subject.

(5) Nothing in this section shall apply to local buoys and beacons placed or erected for temporary purposes.

Surrender of local lighthouses.

654.—(1) A local lighthouse authority may, if they think fit, surrender or sell any lighthouse, buoy, or beacon held by them to the general lighthouse authority within whose area it is situated, and that general lighthouse authority may, with the consent of the Board of Trade, acceptor purchase the same.

(2) The purchase money for any lighthouse, buoy, or beacon so sold to a general lighthouse authority shall be paid out of the Mercantile Marine Fund.

(3) On the surrender or sale of a lighthouse, buoy, or beacon under this section to a general lighthouse authority,—

(*a*) the lighthouse, buoy, or beacon surrendered or sold shall, together with its appurtenances, become vested in the general lighthouse authority, and shall be subject to the same provisions as if it had been provided by that authority under this Part of this Act; and

(*b*) the general lighthouse authority shall be entitled to receive either the dues which were leviable in respect of the lighthouse, buoy, or beacon surrendered or sold at the time of the surrender or sale, or, if Her Majesty so directs by Order in Council, such dues as may be fixed by Order in Council, and those dues shall be subject to the same provisions and regulations as light dues for a lighthouse completed by a general lighthouse authority under this Act.

Annotations

Modifications (not altering text):

C148 Reference to Mercantile Marine Fund construed as a reference to the General Lighthouse Fund (1.04.1899) by *Merchant Shipping (Mercantile Marine Fund) Act 1898* (61 & 62 Geo. 5) c. 44, s. 1(1)(b), (c), commenced as per s. 9(3).

Abolition of Mercantile Marine Fund and constitution of General Lighthouse Fund.

1.—(1) ...

(b) All expenses charged on and payable out of the Mercantile Marine Fund, except the expenses relating to lighthouses, buoys, and beacons mentioned in paragraph (i) of section six hundred and seventy-seven of the same Act, and except also any expenses incurred by a general lighthouse authority under section five hundred and thirty-one of the same Act, shall, so far as they are not paid by any private person, be paid out of moneys provided by Parliament:

(c) The said excepted sums shall be accounted for and paid to, and the said excepted expenses shall be charged on and payable out of, a fund which shall be called the General Lighthouse Fund, and references in Part XI. and in sections five hundred and thirty-one and six hundred and seventy-nine of the Merchant Shipping Act, 1894, to the Mercantile Marine Fund shall be construed as references to the General Lighthouse Fund.

...

Light dues for local light.

655.—(1) If any lighthouse, buoy, or beacon is erected or placed, or reconstructed, repaired, or replaced by a local lighthouse authority, Her Majesty may, on the application of that authority, by Order in Council, fix such dues to be paid to that authority in respect of every ship which enters the port or harbour under the control of that authority or the estuary in which the lighthouse, buoy, or beacon is situate, and which passes the lighthouse, buoy, or beacon and derives benefit therefrom as Her Majesty may think reasonable.

(2) Any dues fixed under this section (in this Act referred to as local light dues) shall be paid by the same persons and may be recovered in the same manner as light dues under this Part of this Act.

(3) Her Majesty may by Order in Council reduce, alter, or increase any local light dues, so that those dues, so far as possible, may be sufficient and not more than sufficient for the payment of the expenses incurred by the local lighthouse authority in respect of the lighthouses, buoys, or beacons for which the dues are levied.

Application of local light dues.

656.—(1) All local light dues shall be applied by the authority by whom they are levied for the purpose of the construction, placing, maintenance, and improvement of the lighthouses, buoys, and beacons in respect of which the dues are levied, and for no other purpose.

(2) The local lighthouse authority to whom any local light dues are paid shall keep a separate account of the receipt and expenditure of those dues, and shall, once in every year or at such other time as the Board of Trade may determine, send a copy of that account to the Board of Trade, and shall send the same in such form and shall give such particulars in relation thereto as the Board of Trade requires.

Reduction of local light dues.

657.—A local lighthouse authority may, with the consent of Her Majesty in Council (if they have not otherwise power to do so), reduce all or any dues receivable by them in respect of lighthouses, buoys, and beacons.

Expenses of General Lighthouse Authorities.

Payment of lighthouse expenses out of General Lighthouse Fund.

658.—The expenses incurred by the general lighthouse authorities in the works and services of lighthouses, buoys, and beacons under this Part of this Act, or in the execution of any works necessary or expedient for the purpose of permanently reducing the expense of those works and services, shall be paid out of the Mercantile Marine Fund.

Annotations

Modifications (not altering text):

C149 Reference to Mercantile Marine Fund construed as a reference to the General Lighthouse Fund (1.04.1899) by *Merchant Shipping (Mercantile Marine Fund) Act 1898* (61 & 62 Geo. 5) c. 44, s. 1(1)(b), (c), commenced as per s. 9(3).

Abolition of Mercantile Marine Fund and constitution of General Lighthouse Fund.

1.—(1) ...

(b) All expenses charged on and payable out of the Mercantile Marine Fund, except the expenses relating to lighthouses, buoys, and beacons mentioned in paragraph (i) of section six hundred and seventy-seven of the same Act, and except also any expenses incurred by a general lighthouse authority under section five hundred and thirty-one of the same Act, shall, so far as they are not paid by any private person, be paid out of moneys provided by Parliament:

(c) The said excepted sums shall be accounted for and paid to, and the said excepted expenses shall be charged on and payable out of, a fund which shall be called the General Lighthouse Fund, and references in Part XI. and in sections five hundred and thirty-one and six hundred and seventy-nine of the Merchant Shipping Act, 1894, to the Mercantile Marine Fund shall be construed as references to the General Lighthouse Fund.

...

Establishments of general lighthouse authorities.

659.—(1) Her Majesty may by Order in Council fix the establishments to be maintained by each of the general lighthouse authorities on account of the services of lighthouses, buoys, and beacons, or the annual or other sums to be paid out of the Mercantile Marine Fund in respect of those establishments.

(2) If it appears that any part of the establishments of the general lighthouse authorities is maintained for other purposes as well as for the purposes of their duties as general lighthouse authorities, Her Majesty may by Order in Council fix the portion of the expense of those establishments to be paid out of the Mercantile Marine Fund.

(3) An increase of any establishment or part of an establishment fixed under this section shall not be made without the consent of the Board of Trade.

Annotations

Modifications (not altering text):

C150 Application of section extended (26.03.1920) by *Merchant Shipping (Amendment) Act 1920* (10 & 11 Geo. 5) c. 2, s. 1, commenced on enactment.

Amendment of s. 659 of 57 & 58 Vict. c. 60.

1. The power of His Majesty, under section six hundred and fifty-nine of the Merchant Shipping Act, 1894, as amended by subsequent enactments, by Order in Council to fix the annual or other sums to be paid out of the General Lighthouse Fund in respect of the establishment of the general lighthouse authorities, shall extend to fixing the annual or other sums to be paid out of that fund to members of the general lighthouse authority for England and Wales, and the sums so fixed shall have effect notwithstanding anything in any Act limiting the amount thereof.

C151 Reference to Mercantile Marine Fund construed as a reference to the General Lighthouse Fund (1.04.1899) by *Merchant Shipping (Mercantile Marine Fund) Act 1898* (61 & 62 Geo. 5) c. 44, s. 1(1)(b), (c), commenced as per s. 9(3).

Abolition of Mercantile Marine Fund and constitution of General Lighthouse Fund.

1.—(1) ...

(b) All expenses charged on and payable out of the Mercantile Marine Fund, except the expenses relating to lighthouses, buoys, and beacons mentioned in paragraph (i) of section six hundred and seventy-seven of the same Act, and except also any expenses incurred by a general lighthouse authority under section five hundred and thirty-one of the same Act, shall, so far as they are not paid by any private person, be paid out of moneys provided by Parliament:

(c) The said excepted sums shall be accounted for and paid to, and the said excepted expenses shall be charged on and payable out of, a fund which shall be called the General Lighthouse Fund, and references in Part XI. and in sections five hundred and thirty-one and six hundred and seventy-nine of the Merchant Shipping Act, 1894, to the Mercantile Marine Fund shall be construed as references to the General Lighthouse Fund.

...

Estimates or accounts of expenses sent to Board of Trade.

660.—(1) An expense of a general lighthouse authority in respect of the services of lighthouses, buoys, and beacons shall not be paid out of the Mercantile Marine Fund, or allowed in account, unless either it has been allowed as part of the establishment expenses under this Act, or an estimate or account thereof has been approved by the Board of Trade.

(2) For the purpose of approval by the Board of Trade, each of the general lighthouse authorities shall submit to that Board an estimate of all expenses to be incurred by them in respect of lighthouses, buoys, or beacons, other than expenses allowed under this Act on account of their establishments, or, in case it is necessary in providing for any sudden emergency to incur any such expense without waiting for the sanction of an estimate, shall as soon as possible submit to the Board of Trade a full account of the expense incurred.

(3) The Board of Trade shall consider any estimates and accounts so submitted to them, and may approve them either with or without modification.

Annotations

Modifications (not altering text):

C152 Reference to Mercantile Marine Fund construed as a reference to the General Lighthouse Fund (1.04.1899) by *Merchant Shipping (Mercantile Marine Fund) Act 1898* (61 & 62 Geo. 5) c. 44, s. 1(1)(b), (c), commenced as per s. 9(3).

Abolition of Mercantile Marine Fund and constitution of General Lighthouse Fund.

1.—(1) ...

(b) All expenses charged on and payable out of the Mercantile Marine Fund, except the expenses relating to lighthouses, buoys, and beacons mentioned in paragraph (i) of section six hundred and seventy-seven of the same Act, and except also any expenses incurred by a general lighthouse authority under section five hundred and thirty-one of the same Act, shall, so far as they are not paid by any private person, be paid out of moneys provided by Parliament:

(c) The said excepted sums shall be accounted for and paid to, and the said excepted expenses shall be charged on and payable out of, a fund which shall be called the General Lighthouse Fund, and references in Part XI. and in sections five hundred and thirty-one and six hundred and seventy-nine of the Merchant Shipping Act, 1894, to the Mercantile Marine Fund shall be construed as references to the General Lighthouse Fund.

...

Advances by Treasury for lighthouse expenses.

661.—(1) For the purpose of the construction and repair of lighthouses, and of other extraordinary expenses connected with lighthouses, buoys, and beacons, the Treasury may, upon the application of the Board of Trade, advance out of the growing produce of the Consolidated Fund such sums, and upon such terms and at such rate of interest, as they think fit, and pay the same into the Mercantile Marine Fund, but the total amount due in respect of any such advances shall not at any one time exceed two hundred thousand pounds.

(2) Where the Treasury advance any sum under this section, thatsum and the interest thereon shall be a charge upon the Mercantile Marine Fund, and upon any dues, rates, fees, or other payments payable thereto, and the Board of Trade shall make such provision for the repayment thereof out of that fund either by way of sinking fund or otherwise as the Treasury require.

(3) A charge under this section for the purpose of an advance by the Treasury shall not prevent the reduction of any dues, rates, fees, or other payments payable to the Mercantile Marine Fund, if the reduction is sanctioned by the Treasury.

Annotations

Modifications (not altering text):

C153 Reference to Mercantile Marine Fund construed as a reference to the General Lighthouse Fund (1.04.1899) by *Merchant Shipping (Mercantile Marine Fund) Act 1898* (61 & 62 Geo. 5) c. 44, s. 1(1)(b), (c), commenced as per s. 9(3).

Abolition of Mercantile Marine Fund and constitution of General Lighthouse Fund.

1.—(1) ...

(b) All expenses charged on and payable out of the Mercantile Marine Fund, except the expenses relating to lighthouses, buoys, and beacons mentioned in paragraph (i) of section six hundred and seventy-seven of the same Act, and except also any expenses incurred by a general lighthouse authority under section five hundred and thirty-one of the same Act, shall, so far as they are not paid by any private person, be paid out of moneys provided by Parliament:

(c) The said excepted sums shall be accounted for and paid to, and the said excepted expenses shall be charged on and payable out of, a fund which shall be called the General Lighthouse Fund, and references in Part XI. and in sections five hundred and thirty-one and six hundred and seventy-nine of the Merchant Shipping Act, 1894, to the Mercantile Marine Fund shall be construed as references to the General Lighthouse Fund.

...

C154 Application of section extended (1.04.1899) by *Merchant Shipping (Mercantile Marine Fund) Act 1898* (61 & 62 Vict.) c. 44, s. 2(4), commenced as per s. 9(3).

Transfer of certain light dues and charges to General Lighthouse Fund.

2.— ...

(4) Sections six hundred and sixty-one, six hundred and sixty-two, and six hundred and sixty-three of the Merchant Shipping Act, 1894 (which relate to the advance and borrowing of money for the purpose of the construction and repair of lighthouses), shall apply in the case of colonial lights as they apply in the case of other lighthouses, buoys, or beacons.

...

Mortgage of General Lighthouse Fund for lighthouse expenditure

662.—(1) The Board of Trade may mortgage the Mercantile Marine Fund and any dues, rates, fees, or other payments payable thereto, or any part thereof, for the purpose of the construction and repair of lighthouses or other extraordinary expenses connected with the services of lighthouses, buoys, and beacons.

(2) Any mortgage under this section shall be made in such form and executed in such manner as the Board of Trade may direct.

(3) A person lending money on a mortgage under this section shall not be bound to inquire as to the purpose for which the money is raised or the manner in which it applied.

Annotations

Modifications (not altering text):

C155 Reference to Mercantile Marine Fund construed as a reference to the General Lighthouse Fund (1.04.1899) by *Merchant Shipping (Mercantile Marine Fund) Act 1898* (61 & 62 Geo. 5) c. 44, s. 1(1)(b), (c), commenced as per s. 9(3).

Abolition of Mercantile Marine Fund and constitution of General Lighthouse Fund.

1. (1) ...

(b) All expenses charged on and payable out of the Mercantile Marine Fund, except the expenses relating to lighthouses, buoys, and beacons mentioned in paragraph (i) of section six hundred and seventy-seven of the same Act, and except also any expenses incurred by a general lighthouse authority under section five hundred and thirty-one of the same Act, shall, so far as they are not paid by any private person, be paid out of moneys provided by Parliament:

(c) The said excepted sums shall be accounted for and paid to, and the said excepted expenses shall be charged on and payable out of, a fund which shall be called the General Lighthouse Fund, and references in Part XI. and in sections five hundred and thirty-one and six hundred and seventy-nine of the Merchant Shipping Act, 1894, to the Mercantile Marine Fund shall be construed as references to the General Lighthouse Fund.

...

C156 Application of section extended (1.04.1899) by *Merchant Shipping (Mercantile Marine Fund) Act 1898* (61 & 62 Vict.) c. 44, s. 2(4), commenced as per s. 9(3).

Transfer of certain light dues and charges to General Lighthouse Fund.

2.— ...

(4) Sections six hundred and sixty-one, six hundred and sixty-two, and six hundred and sixty-three of the Merchant Shipping Act, 1894 (which relate to the advance and borrowing of money for the purpose of the construction and repair of lighthouses), shall apply in the case of colonial lights as they apply in the case of other lighthouses, buoys, or beacons.

...

Advances by Public Works Loan Commissioners.

663.—(1) The Public Works Loan Commissioners may, for the purpose of the construction and repair of lighthouses or other extraordinary expenses connected with the service of lighthouses, buoys, and beacons, advance money upon mortgage of the Mercantile Marine Fund, and the several dues, rates, fees, and payments to be carried thereto under this Act, or any of them, or any part thereof, without requiring any further security than that mortgage.

(2) Notwithstanding anything in this Act, every mortgage so made to the Public Works Loan Commissioners shall be made in accordance with the Acts regulating loans by the Public Works Loan Commissioners.

(3) An advance by the Public Works Loan Commissioners shall not prevent any lawful reduction of any dues, rates, fees, or other payments payable to the Mercantile Marine Fund if that reduction is assented to by the Public Works Loan Commissioners.

Annotations

Modifications (not altering text):

C157 Reference to Mercantile Marine Fund construed as a reference to the General Lighthouse Fund (1.04.1899) by *Merchant Shipping (Mercantile Marine Fund) Act 1898* (61 & 62 Geo. 5) c. 44, s. 1(1)(b), (c), commenced as per s. 9(3).

Abolition of Mercantile Marine Fund and constitution of General Lighthouse Fund.

1. (1) ...

(b) All expenses charged on and payable out of the Mercantile Marine Fund, except the expenses relating to lighthouses, buoys, and beacons mentioned in paragraph (i) of section six hundred and seventy-seven of the same Act, and except also any expenses incurred by a general lighthouse authority under section five hundred and thirty-one of the same Act, shall, so far as they are not paid by any private person, be paid out of moneys provided by Parliament:

(c) The said excepted sums shall be accounted for and paid to, and the said excepted expenses shall be charged on and payable out of, a fund which shall be called the General Lighthouse Fund, and references in Part XI. and in sections five hundred and thirty-one and six hundred and seventy-nine of the Merchant Shipping Act, 1894, to the Mercantile Marine Fund shall be construed as references to the General Lighthouse Fund.

...

C158 Application of section extended (1.04.1899) by *Merchant Shipping (Mercantile Marine Fund) Act 1898* (61 & 62 Vict.) c. 44, s. 2(4), commenced as per s. 9(3).

Transfer of certain light dues and charges to General Lighthouse Fund.

2.— ...

(4) Sections six hundred and sixty-one, six hundred and sixty-two, and six hundred and sixty-three of the Merchant Shipping Act, 1894 (which relate to the advance and borrowing of money for the purpose of the construction and repair of lighthouses), shall apply in the case of colonial lights as they apply in the case of other lighthouses, buoys, or beacons.

...

Editorial Notes:

E389 Loans under section on the security of the Mercantile Marine Fund or of the several dues, rates, fees, and payments to be carried to that fund, or of any part thereof, stated to be subject to the provisions relating loans on the security of a local rate as provided (6.08.1897) by *Public Works Loans Act 1897* (60 & 61 Vict.) c. 51, s. 11(b), commenced on enactment.

Accounts of general light-house authorities.

664.—Each of the general lighthouse authorities shall account to the Board of Trade for their receipts from light dues and for their expenditure in respect of expenses paid out of the Mercantile Marine Fund, in such form and at such times, and with such details, explanations, and vouchers, as the Board of Trade require, and shall, when required by that Board, permit all books of accounts kept by or under their respective direction to be inspected and examined by such persons as that Board appoint for that purpose.

Annotations

Modifications (not altering text):

C159 Reference to Mercantile Marine Fund construed as a reference to the General Lighthouse Fund (1.04.1899) by *Merchant Shipping (Mercantile Marine Fund) Act 1898* (61 & 62 Geo. 5) c. 44, s. 1(1)(b), (c), commenced as per s. 9(3).

Abolition of Mercantile Marine Fund and constitution of General Lighthouse Fund.

1. (1) ...

(b) All expenses charged on and payable out of the Mercantile Marine Fund, except the expenses relating to lighthouses, buoys, and beacons mentioned in paragraph (i) of section six hundred and seventy-seven of the same Act, and except also any expenses incurred by a general lighthouse authority under section five hundred and thirty-one of the same Act, shall, so far as they are not paid by any private person, be paid out of moneys provided by Parliament:

(c) The said excepted sums shall be accounted for and paid to, and the said excepted expenses shall be charged on and payable out of, a fund which shall be called the General Lighthouse Fund, and references in Part XI. and in sections five hundred and thirty-one and six hundred and seventy-nine of the Merchant Shipping Act, 1894, to the Mercantile Marine Fund shall be construed as references to the General Lighthouse Fund.

...

Power to grant pensions.

665.—(1) A general lighthouse authority may, with the sanction of the Board of Trade, grant superannuation allowances or compensation to persons whose salaries are paid out of the Mercantile Marine Fund on their discharge or retirement.

(2) No superannuation, allowance or compensation granted under this section to a person shall exceed the proportion of his salary which may be granted to a person in the public civil service under the Acts relating to superannuation allowances or compensation for the time being in force.

Annotations

Modifications (not altering text):

C160 Reference to Mercantile Marine Fund construed as a reference to the General Lighthouse Fund (1.04.1899) by *Merchant Shipping (Mercantile Marine Fund) Act 1898* (61 & 62 Geo. 5) c. 44, s. 1(1)(b), (c), commenced as per s. 9(3).

Abolition of Mercantile Marine Fund and constitution of General Lighthouse Fund.

1. (1) ...

(b) All expenses charged on and payable out of the Mercantile Marine Fund, except the expenses relating to lighthouses, buoys, and beacons mentioned in paragraph (i) of section six hundred and seventy-seven of the same Act, and except also any expenses incurred by a general lighthouse authority under section five hundred and thirty-one of the same Act, shall, so far as they are not paid by any private person, be paid out of moneys provided by Parliament:

(c) The said excepted sums shall be accounted for and paid to, and the said excepted expenses shall be charged on and payable out of, a fund which shall be called the General

Lighthouse Fund, and references in Part XI. and in sections five hundred and thirty-one and six hundred and seventy-nine of the Merchant Shipping Act, 1894, to the Mercantile Marine Fund shall be construed as references to the General Lighthouse Fund.

...

Offences in connexion with Lighthouses, &c.

Injury to lighthouses, &c.

666. —(1) A person shall not wilfully or negligently—

(*a*) injure any lighthouse or the lights exhibited therein, or any buoy or beacon;

(*b*) remove, alter, or destroy any lightship, buoy, or beacon; or

(*c*) ride by, make fast to, or run foul of any lightship or buoy.

(2) If any person acts in contravention of this section, he shall, in addition to the expenses of making good any damage so occasioned, be liable for each offence to a fine not exceeding fifty pounds.

Annotations

Editorial Notes:

E390 A fine of £50 translates into a Class B fine, not exceeding €4,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 5, table ref. no. 8, S.I. No. 662 of 2010.

Prevention of false lights.

667.—(1) Whenever any fire or light is burnt or exhibited at such place or in such manner as to be liable to be mistaken for a light proceeding from a lighthouse, the general lighthouse authority within whose area the place is situate, may serve a notice upon the owner of the place where the fire or light is burnt or exhibited, or on the person having the charge of the fire or light, directing that owner or person, within a reasonable time to be specified in the notice, to take effectual means for extinguishing or effectually screening the fire or light, and for preventing for the future any similar fire or light.

(2) The notice may be served either personally or by delivery of the same at the place of abode of the person to be served, or by affixing the same in some conspicuous spot near to the fire or light to which the notice relates.

(3) If any owner or person on whom a notice is served under this section fails, without reasonable cause, to comply with the directions contained in the notice, he shall be guilty of a common nuisance, and, in addition to any other penalties or liabilities he may incur, shall for each offence be liable to a fine not exceeding one hundred pounds.

(4) If any owner or person on whom a notice under this section is served neglects for a period of seven days to extinguish or effectually screen the fire or light mentioned in the notice, the general lighthouse authority may, by their servants or workmen, enter upon the place where the fire or light is, and forthwith extinguish the same, doing no unnecessary damage; and may recover the expenses incurred by them in so doing from the owner or person on whom the notice has been served in the same manner as fines may be recovered under this Act.

Annotations

Editorial Notes:

E391 A fine of £100 translates into a Class A fine, not exceeding €5,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 4, table ref. no. 8, S.I. No. 662 of 2010.

Commissioners of Northern Lighthouses.

Incorporation of Commissioners of Northern Lights.

668.—(1) The persons holding the following offices shall be a body corporate under the name of the Commissioners of Northern Lighthouses; (that is to say,)

(*a*) The Lord Advocate and the Solicitor-General for Scotland;

(*b*) The lords provosts of Edinburgh, Glasgow, and Aberdeen, and the provosts of Inverness and Campbeltown;

(*c*) The eldest bailies of Edinburgh and Glasgow;

(*d*) The sheriffs of the counties of the Lothians and Peebles, Lanark, Renfrew and Bute, Argyll, Inverness Elgin and Nairn, Ross, Cromarty and Sutherland, Caithness, Orkney and Shetland, Aberdeen Kincardine and Banff, Ayr, Fife and Kinross, Dumfries and Galloway; and

(*e*) Any persons elected under this section.

(2) The Commissioners shall have a common seal; and any five of them shall constitute a quorum, and shall have power to do all such matters and things as might be done by the whole body.

(3) The Commissioners may elect the provost or chief magistrate of any royal or parliamentary burgh on or near any part of the coasts of Scotland and the sheriff of any county abutting on those coasts to be a member of their body.

Provision as to Channel Islands.

Restriction on exercise in powers in the Channel Islands.

669.— (1) The powers of the Trinity House under this Part of this Act with respect to lighthouses, buoys, or beacons already erected or placed, or hereafter to be erected or placed, in the islands of Guernsey or Jersey (other than their powers with respect to the surrender or purchase of local lighthouses, buoys, and beacons, and the prevention of false lights) shall not be exercised without the consent of Her Majesty in Council.

(2) Dues for any lighthouse, buoy, or beacon erected or placed in or near the islands of Guernsey, Jersey, Sark, or Alderney shall not be taken in the islands of Guernsey or Jersey without the consent of the States of those Islands respectively.

Lighthouses, &c. in Colonies.

Dues for colonial lighthouses, &c.

670.—(1) Where any lighthouse, buoy, or beacon has, either before or after the passing of this Act, been erected or placed on or near the coasts of any British possession by or with the consent of the legislature of that possession, Her Majesty may by Order in Council fix such dues (in this Act referred to as colonial light dues) to be paid in respect of that lighthouse, buoy, or beacon by the owner or master of every ship which passes the same and derives benefit therefrom, as Her Majesty may deem reasonable, and may by like order increase, diminish, or repeal such dues, and those dues shall from the time mentioned in the Order be leviable throughout Her Majesty's dominions.

(2) Colonial light dues shall not be levied in any British possession unless the legislature of that possession has by address to the Crown, or by Act or ordinance duly passed, signified its opinion that the dues ought to be levied.

Collection and recovery of colonial light dues.

671.—(1) Colonial light dues shall in the United Kingdom be collected and recovered so far as possible as light dues are collected and recovered under this Part of this Act.

(2) Colonial light dues shall in each British possession be collected by such persons as the governor of that possession may appoint for the purpose, and shall be collected by the same means, in the same manner, and subject to the same conditions so far as circumstances permit, as light dues under this Part of this Act, or by such other means, in such other manner, and subject to such other conditions as the legislature of the possession direct.

Payment of colonial light dues to Paymaster General.

672.—Colonial light dues levied under this Act shall be paid over to Her Majesty's Paymaster-General at such times and in such manner as the Board of Trade direct, and shall be applied, paid, and dealt with by him for the purposes authorised by this Act, in such manner as that Board direct.

Annotations

Modifications (not altering text):

C161 Provision for transfer of payment of colonial light dues to the General Lighthouse Fund made (1.04.1899) by *Merchant Shipping (Mercantile Marine Fund) Act 1898* (61 & 62 Geo. 5) c. 44, s. 2(1), commenced as per s. 9(3).

Transfer of certain light dues and charges to General Lighthouse Fund.

2.—(1) All colonial light dues shall be carried to the General Lighthouse Fund, subject to the prior payment thereout of any sums payable on account of money secured on those dues at the commencement of this Act in accordance with the conditions on which the money is secured.

...

Application of colonial light dues.

673.—F343**[**...**]**

Annotations

Amendments:

F343 Repealed (1.04.1899) by *Merchant Shipping (Mercantile Marine Fund) Act 1898* (61 & 62 Geo. 5) c. 44, s. 8 and sch. 4, commenced as per s. 9(3).

Advances for construction and repair of colonial lighthouses, &c.

674.—(1) The Board of Trade may raise such sums as they think fit for the purpose of constructing or repairing any lighthouse, buoy, or beacon in respect of which colonial light dues are levied or are to be levied on the security of those dues so levied or to be levied.

(2) Any sums so to be raised may be advanced by the Treasury out of moneys provided by Parliament, or by the Public Works Loan Commissioners or by any other persons, but any such advances shall be made and secured in the same manner and subject to the same provisions as similar advances for the purpose of lighthouses in the United Kingdom under this Part of this Act.

Accounts of colonial light dues.

675.—(1) Accounts shall be kept of all colonial light dues received under this Act and of all sums expended in the construction, repair, or maintenance of the lighthouse, buoy, or beacon in respect of which those dues are received.

(2) These accounts shall be kept in such manner as the Board of Trade direct, and shall be laid annually before Parliament and audited in such manner as may be directed by Order in Council.

PART XII.

MERCANTILE MARINE FUND.

Sums payable to the Mercantile Marine Fund.

676.—(1) The common fund called the Mercantile Marine Fund shall continue to exist under that name, and subject to the provisions of this Act there shall be accounted for and paid to that fund—

45 & 46 Vict. c. 22.

(*a*) all fees, charges, and expenses payable in respect of the survey or measurement of ships under this Act:

53 & 54 Vict. c. 35.

(*b*) all fees and other sums (other than fines and forfeitures) received by the Board of Trade under the Second and Fifth Parts of this Act, including all fees payable in respect of the medical inspection of seamen under the Second Part of this Act:

(*c*) the moneys arising from the unclaimed property of deceased seamen, except where the same are required to be paid as directed by the Accountant-General of Her Majesty's Navy:

(*d*) any sums recovered by the Board of Trade in respect of expenses incurred in relation to distressed seamen and apprentices under the Second Part of this Act:

(*e*) all fees and other sums payable in respect of any services performed by any person employed under the authority of the Third Part of this Act:

(*f*) all fees paid upon the engagement or discharge of members of the crews of fishing boats when effected before a superintendent:

(*g*) F344**[**...**]**

(*h*) any fees received by receivers of wreck under the Ninth Part of this Act:

(*i*) all light dues or other sums received by or accruing to any of the General Lighthouse Authorities under the Eleventh Part of this Act:

(*k*) all costs and expenses ordered by the court to be paid to the Board of Trade in pursuance of the Boiler Explosions Acts, 1882 and 1890:

(*l*) any sums which under this or any other Act are directed to be paid to the Mercantile Marine Fund.

(2) All fees mentioned in this section shall be paid at such time and in such manner as the Board of Trade direct.

Annotations

Amendments:

F344 Deleted (21.12.1908) *Statute Law Revision Act 1908* (8 Edw. 7) c. 49, s. 1 and sch., commenced on enactment.

Modifications (not altering text):

C162 Reference to Mercantile Marine Fund construed as a reference to the General Lighthouse Fund (1.04.1899) by *Merchant Shipping (Mercantile Marine Fund) Act 1898* (61 & 62 Geo. 5) c. 44, s. 1(1)(a)-(c), commenced as per s. 9(3).

Abolition of Mercantile Marine Fund and constitution of General Lighthouse Fund.

1.—(1) ...

(a) All sums accounted for and paid to the Mercantile Marine Fund, except the light dues or other sums mentioned in paragraph (i) of section six hundred and seventy-six of the Merchant Shipping Act, 1894, shall be paid into the Exchequer:

(b) All expenses charged on and payable out of the Mercantile Marine Fund, except the expenses relating to lighthouses, buoys, and beacons mentioned in paragraph (i) of section six hundred and seventy-seven of the same Act, and except also any expenses incurred by a general lighthouse authority under section five hundred and thirty-one of the same Act, shall, so far as they are not paid by any private person, be paid out of moneys provided by Parliament:

(c) The said excepted sums shall be accounted for and paid to, and the said excepted expenses shall be charged on and payable out of, a fund which shall be called the General Lighthouse Fund, and references in Part XI. and in sections five hundred and thirty-one and six hundred and seventy-nine of the Merchant Shipping Act, 1894, to the Mercantile Marine Fund shall be construed as references to the General Lighthouse Fund.

...

Application of Mercantile Marine Fund.

45 & 46 Vict. c. 22.

53 & 54 Vict. c. 35.

677.—Subject to the provisions of this Act and to any prior charges that may be subsisting on the Mercantile Marine Fund under any Act of Parliament or otherwise there shall be charged on and payable out of that fund the following expenses so far as they are not paid by any private person:—

(*a*) The salaries and other expenses connected with local marine boards and mercantile marine offices, and with the examinations conducted under the Second and Fourth Parts of this Act:

(*b*) The salaries of all surveyors of ships and officers appointed under this Act and all expenses incurred in connexion with the survey and measurement of ships under this Act, and the remuneration of medical inspectors of seamen under the Second Part of this Act:

(*c*) The salaries and expenses of persons employed under the Third Part of this Act:

(*d*) The superannuation allowances, gratuities, pensions, and other allowances granted either before or after the passing of this Act to any of the said surveyors, officers, or persons:

(*e*) The allowances and expenses paid for the relief of distressed British seamen and apprentices, including the expenses declared under this Act to be payable as such expenses, and any contributions to seamen's refuges and hospitals:

(*f*) Any sums which the Board of Trade, in their discretion, think fit to pay in respect of claims to moneys carried to the Mercantile Marine Fund on account of the property of deceased seamen, or on account of the proceeds of wreck:

(*g*) All expenses of obtaining depositions, reports, and returns respecting wrecks and casualties:

(*h*) All expenses incurred in carrying into effect the provisions of this Act with regard to receivers of wrecks and the performance of their duties under this Act:

(*i*) All expenses incurred by the general lighthouse authorities in the works and services of lighthouses, buoys, and beacons, or in the execution of any works necessary or expedient for the purpose of permanently reducing the expense of those works and services:

(*k*) Any pensions or other sums payable in relation to the duties formerly performed by the Trinity House in respect of lastage and ballastage in the River Thames:

(*l*) Such expenses for establishing and maintaining on the coasts of the United Kingdom proper lifeboats with the necessary crews and equipments, and for affording assistance towards the preservation of life and property in cases of shipwreck and distress at sea, and for rewarding the preservation of life in such cases, as the Board of Trade direct:

(*m*) Such reasonable costs, as the Board of Trade may allow, of advertising or otherwise making known the establishment of, or alterations in, foreign lighthouses, buoys, and beacons to owners, and masters of, and other persons interested in, British ships:

(*n*) All costs and expenses incurred by the Board of Trade under the Boiler Explosions Acts, 1882 and 1890 (so far as not otherwise provided for), including any remuneration paid in pursuance of section seven of the Boiler Explosions Act, 1882, and any costs and expenses ordered by the court in pursuance of those Acts to be paid by the Board of Trade:

(*o*) Any expenses which are charged on or payable out of the Mercantile Marine Fund under this or any other Act of Parliament.

Annotations

Modifications (not altering text):

C163 Reference to Mercantile Marine Fund construed as a reference to the General Lighthouse Fund (1.04.1899) by *Merchant Shipping (Mercantile Marine Fund) Act 1898* (61 & 62 Geo. 5) c. 44, s. 1(1)(a) - (c), commenced as per s. 9(3).

Abolition of Mercantile Marine Fund and constitution of General Lighthouse Fund.

1.—(1) ...

(a) All sums accounted for and paid to the Mercantile Marine Fund, except the light dues or other sums mentioned in paragraph (i) of section six hundred and seventy-six of the Merchant Shipping Act, 1894, shall be paid into the Exchequer:

(b) All expenses charged on and payable out of the Mercantile Marine Fund, except the expenses relating to lighthouses, buoys, and beacons mentioned in paragraph (i) of section six hundred and seventy-seven of the same Act, and except also any expenses incurred by a general lighthouse authority under section five hundred and thirty-one of the same Act, shall, so far as they are not paid by any private person, be paid out of moneys provided by Parliament:

(c) The said excepted sums shall be accounted for and paid to, and the said excepted expenses shall be charged on and payable out of, a fund which shall be called the General Lighthouse Fund, and references in Part XI. and in sections five hundred and thirty-one and six hundred and seventy-nine of the Merchant Shipping Act, 1894, to the Mercantile Marine Fund shall be construed as references to the General Lighthouse Fund.

...

Subsidy from Parliament to Mercantile Marine Fund.

678.—F345**[...]**

Annotations

Amendments:

F345 Repealed (1.04.1899) by *Merchant Shipping (Mercantile Marine Fund) Act 1898* (61 & 62 Vict.) c. 44, s. 8 and sch. 4, commenced as per s. 9(3).

Accounts and audit.

29 & 30 Vict. c. 39.

679.—(1) The accounts of the Mercantile Marine Fund shall be deemed to be public accounts within the meaning of section thirty-three of the Exchequer and Audit Departments Act, 1866, and shall be examined and audited accordingly.

(2) The Board of Trade shall as soon as may be after the meeting of Parliament in every year cause the accounts of the Mercantile Marine Fund for the preceding year to be laid before both Houses of Parliament.

Annotations

Modifications (not altering text):

C164 Reference to Mercantile Marine Fund construed as a reference to the General Lighthouse Fund (1.04.1899) by *Merchant Shipping (Mercantile Marine Fund) Act 1898* (61 & 62 Geo. 5) c. 44, s. 1(1)(a)-(c), commenced as per s. 9(3).

Abolition of Mercantile Marine Fund and constitution of General Lighthouse Fund.

1. (1) ...

(a) All sums accounted for and paid to the Mercantile Marine Fund, except the light dues or other sums mentioned in paragraph (i) of section six hundred and seventy-six of the Merchant Shipping Act, 1894, shall be paid into the Exchequer:

(b) All expenses charged on and payable out of the Mercantile Marine Fund, except the expenses relating to lighthouses, buoys, and beacons mentioned in paragraph (i) of section six hundred and seventy-seven of the same Act, and except also any expenses incurred by a general lighthouse authority under section five hundred and thirty-one of the same Act, shall, so far as they are not paid by any private person, be paid out of moneys provided by Parliament:

(c) The said excepted sums shall be accounted for and paid to, and the said excepted expenses shall be charged on and payable out of, a fund which shall be called the General Lighthouse Fund, and references in Part XI. and in sections five hundred and thirty-one and six hundred and seventy-nine of the Merchant Shipping Act, 1894, to the Mercantile Marine Fund shall be construed as references to the General Lighthouse Fund.

...

PART XIII.

LEGAL PROCEEDINGS.

Prosecution of Offences.

Prosecution of offences.

680.—F346**[**(1) Subject to any special provisions of this Act, a person who has been found guilty of an offence under this Act shall be liable—

(*a*) on summary conviction, to a fine not exceeding £1,500 or to imprisonment for a term not exceeding 6 months or to both, or

(*b*) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years or to both.**]**

F346**[**(1A) Where an offence to which subsection (1) of this Act applies is committed by a body corporate and is proved to have been so committed with the consent, connivance or approval of or to be attributable to any neglect on the part of a person being a director, manager, secretary or other officer of the body corporate, or any other person who was acting or purporting to act in any such capacity, that person as well as the body corporate shall be guilty of an offence and be liable to be proceeded against and punished as if that person were guilty of the first-mentioned offence.**]**

(2) Any offence committed or fine recoverable under a bye-law made in pursuance of this Act may be prosecuted or recovered in the same manner as an offence or fine under this Act.

Annotations

Amendments:

F346 Substituted and inserted (16.06.1998) by *Merchant Shipping (Miscellaneous Provisions) Act 1998* (20/1998), s. 2(c)(i), commenced on enactment.

Editorial Notes:

E392 A fine of £1,500 translates into a Class C fine, not exceeding €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 6, table ref. no. 1, S.I. No. 662 of 2010.

Application of Summary Jurisdiction Acts in certain cases.

681.—(1) The Summary Jurisdiction Acts shall, so far as applicable, apply—

(*a*) to any proceeding under this Act before a court of summary jurisdiction, whether connected with an offence punishable on summary conviction or not; and

(*b*) to the trial of any case before one justice of the peace, where, under this Act, such a justice may try the case.

(2) Where under this Act any sum may be recovered as a fine under this Act, that sum, if recoverable before a court of summary jurisdiction, shall, in England, be recovered as a civil debt, in manner provided by the Summary Jurisdiction Acts.

Appeal on summary conviction.

682.—Where a person is convicted summarily in England of an offence under this Act, and the fine inflicted or the sum ordered to be paid exceeds five pounds in amount, that person may appeal to quarter sessions against the conviction in manner provided by the Summary Jurisdiction Acts.

Annotations

Editorial Notes:

E393 A fine of £5 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

Limitation of time for summary proceedings.

56 & 57 Vict. c. 61.

683.—(1) Subject to any special provisions of this Act neither a conviction for an offence nor an order for payment of money shall be made under this Act in any summary proceeding instituted in the United Kingdom, unless that proceeding is commenced within six months after the commission of the offence, or after the cause of complaint arises as the case may be; or, if both or either of the parties to the proceeding happen during that time to be out of the United Kingdom, unless the same is commenced, in the case of a summary conviction within two months, and in the

case of a summary order within six months, after they both first happen to arrive, or tobe at one time, within the United Kingdom.

(2) Subject to any special provisions of this Act neither a conviction for an offence nor an order for payment of money shall be made under this Act in any summary proceeding instituted in any British possession, unless that proceeding is commenced within six months after the commission of the offence or after the cause of complaint arises as the case may be; or if both or either of the parties to the proceeding happen during that time not to be within the jurisdiction of any court capable of dealing with the case, unless the same is commenced in the case of a summary conviction within two months, and in the case of a summary order within six months after they both first happen to arrive, or to be at one time, within that jurisdiction.

(3) No law for the time being in force under any Act, ordinance, or otherwise, which limits the time within which summary proceedings may be instituted shall affect any summary proceeding under this Act.

(4) Nothing in this section shall shall affect any proceeding to which the Public Authorities Protection Act, 1893, applies.

Annotations

Modifications (not altering text):

C165 Application of subs. (1) restricted (2.04.1946) by *Harbours Act 1946* (9/1946), s. 189(1), commenced on enactment.

Restriction of application of certain enactments.

189.—(1) Neither paragraph 4 of section 10 of the Petty Sessions (Ireland) Act, 1851, nor subsection (1) of section 683 of the Merchant Shipping Act, 1894, shall apply in respect of proceedings for recovery of pilotage dues.

...

Jurisdiction.

Provision as to jurisdiction in case of offences.

684.—For the purpose of giving jurisdiction under this Act, every offence shall be deemed to have been committed and every cause of complaint to have arisen either in the place in which the same actually was committed or arose, or in any place in which the offender or person complained against may be.

Jurisdiction over ships lying off the coasts.

685.—(1) Where any district within which any court, justice of the peace, or other magistrate, has jurisdiction either under this Act or under any other Act or at common law for any purpose whatever is situate on the coast of any sea, or abutting on or projecting into any bay, channel, lake, river, or other navigable water, every such court, justice, or magistrate shall have jurisdiction over any vessel being on, or lying or passing off, that coast, or being in or near that bay, channel, lake, river, or navigable water, and over all persons on board that vessel or for the time being belonging thereto, in the same manner as if the vessel or persons were within the limits of the original jurisdiction of the court, justice, or magistrate.

(2) The jurisdiction under this section shall be in addition to and not in derogation of any jurisdiction or power of a court under the Summary Jurisdiction Acts.

Annotations

Modifications (not altering text):

C166 Application of section restricted (6.11.1981) by *Malicious Injuries Act 1981* (9/1981), s. 24, commenced as per s. 1(2).

Restriction of section 685 of the Merchant Shipping Act, 1894.

24.—The jurisdiction under section 685 of the Merchant Shipping Act, 1894, shall not extend to an application for compensation under this Act.

Jurisdiction in case of offences on board ship.

12 & 13 Vict. c. 96.

686.—(1) Where any person, being a British subject, is charged with having committed any offence on board any British ship on the high seas or in any foreign port or harbour or on board any foreign ship to which he does not belong, or, not being a British subject, is charged with having committed any offence on board any British ship on the high seas, and that person is found within the jurisdiction of any court in Her Majesty's dominions, which would have had cognizance of the offence if it had been committed on board a British ship within the limits of its ordinary jurisdiction, that court shall have jurisdiction to try the offence as if it had been so committed.

(2) Nothing in this section shall affect the Admiralty Offences (Colonial) Act, 1849.

Offences committed by British seamen at foreign ports to be within Admiralty Jurisdiction.

687.—All offences against property or person committed in or at any place either ashore or afloat out of Her Majesty's dominions by any master, seaman, or apprentice who at the time when the offence is committed is, or within three months previously has been, employed in any British ship shall be deemed to be offences of the same nature respectively, and be liable to the same punishments respectively, and be inquired of, heard, tried, determined, and adjudged in the same manner and by the same courts and in the same places as if those offences had been committed within the jurisdiction of the Admiralty of England; and the costs and expenses of the prosecution of any such offence may be directed to be paid as in the case of costs and expenses of prosecutions for offences committed within the jurisdiction of the Admiralty of England.

Damage occasioned by Foreign Ship.

Power to arrest foreign ship that has occasioned damage.

688.—(1) Whenever any injury has in any part of the world been caused to any property belonging to Her Majesty or to any of Her Majesty's subjects by any foreign ship, and at any time thereafter that ship is found in any port or river of the United Kingdom or within three miles of the coast thereof, a judge of any court of record in the United Kingdom (and in Scotland the Court of Session and also the sheriff of the county within whose jurisdiction the ship may be) may, upon its being shown to him by any person applying summarily that the injury was probably caused by the misconduct or want of skill of the master or mariners of the ship, issue an order directed to any officer of customs or other officer named by the judge, court, or sheriff, requiring him to detain the ship until such time as the owner, master, or consignee thereof has made satisfaction in respect of the injury, or has given security, to be approved by the judge, court, or sheriff, to abide the event of any action, suit, or other legal proceeding that may be instituted in respect of the injury, and to pay all costs and damages that may be awarded thereon; and any officer of customs or other officer to whom the order is directed shall detain the ship accordingly.

(2) Where it appears that, before an application can be made under this section, the ship in respect of which the application is to be made will have departed from the limits of the United Kingdom or three miles from the coast thereof, the ship may be detained for such time as will allow the application to be made, and the result thereof to be communicated to the officer detaining the ship, and that officer shall not be liable for any costs or damages in respect of the detention unless the same is proved to have been made without reasonable grounds.

(3) In any legal proceeding in relation to any such injury aforesaid, the person giving security shall be made defendant or defender, and shall be stated to be the owner of the ship that has occasioned the damage; and the production of the order of the judge, court, or sheriff made in relation to the security shall be conclusive evidence oí the liability of the defendant or defender to the proceeding.

Provisions in case of Offences Abroad.

Conveyance of offenders and witnesses to United Kingdom or British possession.

689.—(1) Whenever any complaint is made to any British consular officer—

(*a*) that any offence against property or person has been committed at any place, either ashore or afloat, out of Her Majesty's dominions by any master, seaman, or apprentice, who at the time when the offence was committed, or within three months before that time, was employed in any British ship; or

(*b*) that any offence on the high seas has been committed by any master, seaman, or apprentice belonging to any British ship,

that consular officer may inquire into the case upon oath, and may, if the case so requires, take any steps in his power for the purpose of placing the offender under the necessary restraint and of sending him as soon as practicable in safe custody to the United Kingdom, or to any British possession in which there is a court capable of taking cognizance of the offence, in any ship belonging to Her Majesty or to any of Her subjects, to be there proceeded against according to law.

(2) The consular officer may order the master of any ship belonging to any subject of Her Majesty bound to the United Kingdom or to such British possession as aforesaid to receive and afford a passage and subsistence during the voyage to any such offender as aforesaid, and to the witnesses, so that the master be not required to receive more than one offender for every one hundred tons of his ship's registered tonnage, or more than one witness for every fifty tons of that tonnage; and the consular officer shall endorse upon the agreement of the ship such particulars with respect to any offenders or witnesses sent in her as the Board of Trade require.

(3) Any master of a ship to whose charge an offender has been so committed shall, on his ship's arrival in the United Kingdom or in such British possession as aforesaid, give the offender into the custody of some police officer or constable, and that officer or constable shall take the offender before a justice of the peace or other magistrate by law empowered to deal with the matter, and the justice or magistrate shall deal with the matter as in cases of offences committed upon the high seas.

(4) If any master of a ship, when required by any British consular officer to receive and afford a passage and subsistence to any offender or witness, does not receive him and afford a passage and subsistence to him, or does not deliver any offender committed to his charge into the custody of some police officer or constable as herein-before directed, he shall for each offence be liable to a fine not exceeding fifty pounds.

(5) The expense of imprisoning any such offender and of conveying him and the witnesses to the United Kingdom or to such British possession as aforesaid in any manner other than in the ship to which they respectively belong, shall, where not paid as part of the costs of the prosecution, be paid out of moneys provided by Parliament.

Annotations

Modifications (not altering text):

C167 Application of subss. (2), (4), (5) modified (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 67(1), commenced as per s. 86(2).

Power of naval court to send a person sentenced to imprisonment home to under go sentence.

67.—(1) The powers of a naval court under section four hundred and eighty-three of the principal Act (which deals with those powers) shall include a power to send an offender sentenced by the Court to imprisonment either to the United Kingdom or to any British possession to which his Majesty by Order in Council has applied this section, as appears to them most convenient for the purpose of being imprisoned, and the court may take the same steps, and for that purpose shall have the same powers, as respects the orders which may be given to masters of ships as a consular officer has for the purpose of sending an offender for trial under section six hundred and eighty-

nine of the principal Act, and subsections (2), (4), and (5) of that section shall apply with the necessary modification.

...

Editorial Notes:

E394 A fine of £50 translates into a Class B fine, not exceeding €4,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 5, table ref. no. 8, S.I. No. 662 of 2010.

Inquiry into cause of death on board ship.

690.—(1) Where a case of death happens on board any foreign-going British ship, the superintendent at the port where the crew of the ship is discharged, shall, on the arrival of the ship at that port, inquire into the cause of the death, and shall make in the official log an endorsement to the effect, either that the statement of the cause of death in the log is in his opinion true, or the contrary, according to the result of the inquiry.

(2) A superintendent shall for the purpose of an inquiry under this section have the powers of a Board of Trade inspector under this Act; and if in the course of any such inquiry it appears to a superintendent that any such death has been caused on board the ship by violence or other improper means, he shall either report the matter to the Board of Trade, or, if the emergency of the case so requires, shall take immediate steps for bringing the offender or offenders to justice.

(3) This section shall not apply—

(*a*) F347**[**...**]** to fishing boats, nor

(*b*) to ships registered in a British possession when those ships are within the jurisdiction of the government of that possession; nor

(*c*) to pleasure yachts, or ships belonging to any of the three general lighthouse authorities.

Annotations

Amendments:

F347 Deleted (1.10.1920) by *Merchant Shipping (Scottish Fishing Boats) Act 1920* (10 & 11 Geo. 5) c. 39, s. 1(3) and sch., commenced as per s. 2(2).

Depositions to be received in evidence when witness cannot be produced.

691.—(1) Whenever in the course of any legal proceeding instituted in any part of Her Majesty's dominions before any judge or magistrate, or before any person authorised by law or by consent of parties to receive evidence, the testimony of any witness is required in relation to the subject matter of that proceeding, then upon due proof, if the proceeding is instituted in the United Kingdom that the witness cannot be found in that kingdom, or if in any British possession that he cannot be found in that possession, any deposition that the witness may have previously made on oath in relation to the same subject matter before any justice or magistrate in Her Majesty's dominions, or any British consular officer elsewhere, shall be admissible in evidence, provided that—

(*a*) if the deposition was made in the United Kingdom, it shall not be admissible in any proceeding instituted in the United Kingdom; and

(*b*) if the deposition was made in any British possession, it shall not be admissible in any proceeding instituted in that British possession; and

(*c*) if the proceeding is criminal it shall not be admissible, unless it was made in the presence of the person accused.

(2) A deposition so made shall be authenticated by the signature of the judge, magistrate, or consular officer before whom it is made; and the judge, magistrate, or consular officer shall certify, if the fact is so, that the accused was present at the taking thereof.

(3) It shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition, and in any criminal proceeding a certificate under this section shall, unless the contrary is proved, be sufficient evidence of the accused having been present in manner thereby certified.

(4) Nothing herein contained shall affect any case in which depositions taken in any proceeding are rendered admissible in evidence by any Act of Parliament, or by any Act or ordinance of the legislature of any colony, so far as regards that colony, or interfere with the power of any colonial legislature to make those depositions admissible in evidence, or to interfere with the practice of any court in which depositions not authenticated as herein-before mentioned are admissible.

Detention of Ship and Distress on Ship.

Enforcing detention of ship.

692.—(1) Where under this Act a ship is to be or may be detained, any commissioned officer on full pay in the naval or military service of Her Majesty, or any officer of the Board of Trade, or any officer of customs, or any British consular officer may detain the ship, and if the ship after detention or after service on the master of any notice of or order for detention proceeds to sea before it is released by competent authority, the master of the ship, and also the owner, and any person who sends the ship to sea, if that owner or person is party or privy to the offence, shall be liable for each offence to a fine not exceeding one hundred pounds.

(2) Where a ship so proceeding to sea takes to sea when on board thereof in the execution of his duty any officer authorised to detain the ship, or any surveyor or officer of the Board o Trade or any officer of customs, the owner and master of the. ship shall each be liable to pay all expenses of and incidental to the officer or surveyor being so taken to sea, and also to a fine not exceeding one hundred pounds, or, if the offence is not prosecuted in a summary manner, not exceeding ten pounds for every day until the officer or surveyor returns, or until such time as would enable him after leaving the ship to return to the port from which he is taken, and the expenses ordered to be paid may be recovered in like manner as the fine.

(3) Where under this Act a ship is to be detained, an officer of customs shall, and where under this Act a ship may be detained an officer of customs may, refuse to clear that ship outwards or to grant a transiré to that ship.

(4) Where any provision of this Act provides that a ship may be detained until any document is produced to the proper officer of customs, the proper officer shall mean, unless the context otherwise requires, the officer able to grant a clearance or transiré to such ship.

Annotations

Modifications (not altering text):

C168 Application of section extended (30.12.1998) by *Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Regulations 1998* (S.I. No. 551 of 1998), reg. 14(1).

Power to detain.

14.— ...

(2) Section 692 of the Merchant Shipping Act, 1894 (which relates to the detention of a ship) shall apply to a ship detained under this Regulation, subject to the modification that for words "this Act" where ever they appear there shall be subsituted "the Merchant Shipping Acts, 1894 to 1997 or any Regulations made thereunder".

...

C169 Application of section extended (19.10.1984) by *Merchant Shipping (Certification and Watchkeeping) Regulations 1984* (S.I. No. 187 of 1984), reg. 12(3), in effect as per reg. 1.

Power to detain

12.— ...

(3) Section 692 of the Merchant Shipping Act, 1894 (which relates to the detention of a ship) shall have effect in relation to a ship detained under this Regulation, subject to the modification that for the words "this Act" wherever they appear there shall be substituted "the Merchant Shipping Acts, 1894 to 1983 or any Regulations made thereunder".

C170 Subss. (1), (2) construed (25.01.1983) by *Merchant Shipping Act 1981* (33/1981), s. 8(1), S.I. No. 15 of 1983. A fine of £500 translates into a Class C fine, not exceeding €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 6, table ref. no. 3, S.I. No. 662 of 2010. A fine of £100 translates into a Class E fine, not exceeding €500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 8, table ref. no. 3, S.I. No. 662 of 2010.

Amendment of section 692 of Principal Act.

8.—(1) In addition to the officers authorised by the section to detain a ship, any member of the Garda Síochána, is hereby authorised to detain a ship under the section and the reference in subsection (2) of the section to any officer authorised to detain the ship shall be construed as including a reference to a member of the Garda Síochána, and in addition to the foregoing, the section shall be construed and have effect as if—

(*a*) in subsection (1) for “one hundred pounds” there were substituted “five hundred pounds”, and

(*b*) in subsection (2) for “one hundred pounds” and “ten pounds” there were substituted “five hundred pounds” and “one hundred pounds”, respectively.

...

C171 Application of section extended (16.12.1911) by *Merchant Shipping (Stevedores and Trimmers) Act 1911* (1 & 2 Geo. 5) c. 41, s. 1(5), commenced on enactment.

Power to arrest ship on claim for work done in stowing cargo, &c.57 & 58 Vict. c. 60.

1.— ...

(5) Section six hundred and ninety-two of the Merchant Shipping Act, 1894, shall apply to the detention of a ship under this Act as it applies to the detention of a ship under that Act.

...

C172 Application of section extended (1.01.1906) by *Shipowners' Negligence (Remedies) Act 1905* (5 Edw. 7) c. 10, s. 1(3), commenced as per s. 2.

Enlargement of remedy by action for injuries caused by negligence of a shipowner.57 & 58 Vict. c. 60.60 & 61 Vict. c. 37.

1.— ...

(3) Section six hundred and ninety-two of the Merchant Shipping Act, 1894, shall apply to the detention of a ship under this Act as it applies to the detention of a ship under that Act, and the expressions “port” and “harbour” have the same meaning as in that Act, and, if the owner of a ship is a corporation, it shall, for the purposes of this Act, be deemed to reside in the United Kingdom if it has an office in the United Kingdom at which service of writs can be effected.

...

Editorial Notes:

E395 A fine of £100 translates into a Class A fine, not exceeding €5,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 4, table ref. no. 8, S.I. No. 662 of 2010.

E396 A fine of £10 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

E397 Previous affecting provision: application of section extended (19.10.1984) by *Merchant Shipping (Medical Examinations) Regulations 1984* (S.I. No. 193 of 1984), reg. 11(4), in effect as per reg. 1; revoked (12.12.2005) by *Merchant Shipping (Medical Examinations) Regulations 2005* (S.I. No. 701 of 2005), reg. 12, in effect as per reg. 1(2).

E398 Previous affecting provision: application of section extended (23.12.1920) by *Air Navigation Act 1920* (10 & 11 Geo. 5) c. 80, s. 14(3), commenced on enactment; repealed (14.08.1936) by *Air Navigation and Transport Act 1936*(40/1936), s. 8, commenced on enactment.

E399 Previous affecting provision: application of section extended (21.12.1906) by *Workmen's Compensation Act 1906* (6 Edw. 7) c. 58, s. 11(3), commenced on enactment; repealed (1.08.1936) by *Workmen's Compensation Act 1934* (9/1934), s. 13 and sch. 1, S.I. No. 153 of 1934.

Sums ordered to be paid leviable by distress on ship.

693.—Where any court, justice of the peace, or other magistrate, has power to make an order directing payment to be made of any seaman's wages, fines, or other sums of money, then, if the party so directed to pay the same is the master or owner of a ship, and the same is not paid at the time and in manner prescribed in the order, the. court, justice of the peace, or magistrate who made the order may, in addition to any other powers they may have for the purpose of compelling payment, direct the amount remaining unpaid to be levied by distress or poinding and sale of the ship, her tackle, furniture, and apparel.

Evidence, Service of Documents, and Declarations.

Proof of attestation not required.

694.—Where any document is required by this Act to be executed in the presence of or to be attested by any witness or witnesses, that document may be proved by the evidence of any person who is able to bear witness to the requisite facts without calling the attesting witness or the attesting witnesses or any of them.

Admissibility of documents in evidence.

695.—(1) Where a document is by this Act declared to be admissible in evidence, such document shall, on its production from the proper custody, be admissible in evidence in any court or before any person having by law or consent of parties authority to receive evidence, and, subject to all just exceptions, shall be evidence of the matters stated therein in pursuance of this Act or by any officer in pursuance of his duties as such officer.

(2) A copy of any such document or extract therefrom shall also be so admissible in evidence if proved to be an examined copy or extract, or if it purports to be signed and certified as a true copy or extract by the officer to whose custody the original document was entrusted, and that officer shall furnish such certified copy or extract to any person applying at a reasonable time for the same, upon payment of a reasonable sum for the same, not exceeding fourpence for every folio of ninety words, but a person shall be entitled to have—

(*a*) a certified copy of the particulars entered by the registrar in the register book on the registry of the ship, together with a certified statement showing the ownership of the ship at the time being; and

(*b*) a certified copy of any declaration, or document, a copy of which is made evidence by this Act,

on payment of one shilling for each copy.

(3) If any such officer wilfully certifies any document as being a true copy or extract knowing the same not to be a true copy or extract, he shall for each offence be guilty of a misdemeanor, and be liable on conviction to imprisonment for any term not exceeding eighteen months.

(4) If any person forges the seal, stamp, or signature of any document to which this section applies, or tenders in evidence any such document with a false or counterfeit seal, stamp, or signature thereto, knowing the same to be false or counterfeit, he shall for each offence be guilty of felony, and be liable to penal servitude for a term not exceeding seven years, or to imprisonment for a term not exceeding two years, with or without hard labour, and whenever any such document has been admitted in evidence, the court or the person who admitted the same may on request direct that the same shall be impounded, and be kept in the custody of some officer of the court or other proper person, for such period or subject to such conditions as the court or person thinks fit.

Annotations

Editorial Notes:

E400 Previous affecting provision: forgery of certain documents deemed a felony (1.01.1914) by *Forgery Act 1913* (3 & 4 Geo. 5) c. 27, s. 3(3)(g), commenced as per s. 22; repealed (1.08.2002) *Criminal Justice (Theft and Fraud Offences) Act 2001* (50/2002), s. 3 and sch. 1, S.I. No. 252 of 2002.

Service of documents.

696.—(1) Where for the purposes of this Act any document is to be served on any person, that document may be served—

(*a*) in any case by delivering a copy thereof personally to the person to be served, or by leaving the same at his last place of abode; and,

(*b*) if the document is to be served on the master of a ship, where there is one, or on a person belonging to a ship, by leaving the same for him on board that ship with the person being or appearing to be in command or charge of the ship; and,

(*c*) if the document is to be served on the master of a ship, where there is no master, and the ship is in the United Kingdom, on the managing owner of the ship, or, if there is no managing owner, on some agent of the owner residing in the United Kingdom, or where no such agent is known or can be found, by affixing a copy thereof to the mast of the ship.

(2) If any person obstructs the service on the master of a ship of any document under the provisions of this Act relating to the detention of ships as unseaworthy, that person shall for each offence be liable to a fine not exceeding ten pounds, and, if the owner or master of the ship is party or privy to the obstruction, he shall in respect of each offence be guilty of a misdemeanor.

Annotations

Editorial Notes:

E401 A fine of £10 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

Proof, &c. of exemption.

697.—Any exception, exemption, proviso, excuse, or qualification, in relation to any offence under this Act, whether it does or does not accompany in the same section the description of the offence, may be proved by the defendant, but need not be specified or negatived in any information or complaint, and, if so specified or negatived, no proof in relation to the matter so specified or negatived shall be required on the part of the informant or complainant.

Declarations.

698.—Any declaration required by this Act to be taken before a justice of the peace or any particular officer may be taken before a commissioner for oaths.

Application of Penalties and, Costs of Prosecutions.

Application of penalties.

699.—(1) Where any court, justice of the peace, or other magistrate, imposes a fine under this Act for which no specific application is herein provided, that court, justice of the peace, or magistrate, may if they think fit direct the whole or any part of the fine to be applied in compensating any person for any wrong or damage which he may have sustained by the act or default in respect of which the fine is imposed, or to be applied in or towards payment of the expenses of the proceedings.

(2) Subject to any directions under this section or to any specific application provided under this Act, all fines under this Act shall, notwithstanding anything in any other Act—

(*a*) if recovered in the United Kingdom, be paid into the Exchequer in such manner as the Treasury may direct, and be carried to and form part of the Consolidated Fund; and

(*b*) if recovered in any British possession, be paid over into the public treasury of that possession, and form part of the public revenue thereof.

Expenses of prosecution of misdemeanor.

700.—F348**[**...**]**

Annotations

Amendments:

F348 Repealed (22.07.1997) by *Criminal Law Act 1997* (14/1997) s. 16 and sch. 3, commenced as per s. 1.

Payment of costs of prosecution of offences committed in Admiralty jurisdiction.

701.—Such costs and expenses of and incidental to any prosecution for a felony or misdemeanor as are by law payable out of any county or other local rate shall, where the felony or misdemeanor has been committed within the jurisdiction of the Admiralty of England be paid in the same manner and subject to the same regulations as if the felony or misdemeanor had been committed in the county in which the same is heard and determined, or, where the same is heard and determined at the Central Criminal Court, as if the same had been committed in the county of London, and all sums properly paid out of any county or other local rate in respect of those costs and expenses shall be repaid out of money provided by Parliament.

Procedure in Scotland.

Offences punishable as misdemeanors.

702.—In Scotland every offence which by this Act is described as a felony or misdemeanor may be prosecuted by indictment or criminal letters at the instance of Her Majesty's Advocate before the High Court of Justiciary, or by criminal libel at the instance of the procurator fiscal of the county before the sheriff, and shall be punishable with fine and with imprisonment with or without hard labour in default of payment, or with imprisonment with or without hard labour, or with both, as the court may think fit, or in the case of felony with penal servitude where the court is competent thereto; and such court may also, if it think fit, order payment by the offender of the costs and expenses of the prosecution.

Summary proceedings.

703.—In Scotland, all prosecutions, complaints, actions, or proceedings under this Act, other than prosecutions for felonies or misdemeanors, may be brought in a summary form before the sheriff of the county, or before any two justices of the peace of the county or burgh where the cause of such prosecution or action arises,

or where the offender or defender may be for the time, and when of a criminal nature or for fines or penalties, at the instance of the procurator fiscal of court, or at the instance of any party aggrieved, with concurrence of the procurator fiscal of court; and the court may, if it think fit, order payment by the offender or defender of the costs of the prosecution or action.

Form of complaint.

704.—Where in any summary proceedings under this Act in Scotland any complaint or action is brought in whole or in part for the enforcement of a pecuniary debt or demand, the complaint may contain a prayer for warrant to arrest upon the dependence.

Warrants on summary proceedings

705.—On any summary proceedings in Scotland the deliverance of the sheriff clerk or clerk of the peace shall contain warrant to arrest upon the dependence in common form, where that warrant has been prayed for in the complaint or other proceeding: Provided always, that where the apprehension of any party, with or without a warrant, is authorised by this Act, such party may be detained in custody until he can be brought at the earliest opportunity before any two justices or the sheriff who may have jurisdiction in the place, to be dealt with as this Act directs, and no citation or induciae shall in such case be necessary.

Backing arrestments.

706.—When it becomes necessary to execute such arrestment on the dependence against goods or effects of the defender within Scotland, but not locally situated within the jurisdiction of the sheriff or justices of the peace by whom the warrant to arrest has been granted, it shall be competent to carry the warrant into execution on its being endorsed by the sheriff clerk, or clerk of the peace of the county or burgh respectively within which such warrant comes to be executed.

Form of decree for payment of money.

707.—Where on any summary proceedings in Scotland there is a decree for payment of any sum of money against a defender, the decree shall contain warrant for arrestment, poinding, and imprisonment in default of payment.

Sentence and penalties in default of defender's appearance.

708.—In all summary complaints and proceedings for recovery of any penalty or sum of money in Scotland, if a defender who has been duly cited shall not appear at the time and place required by the citation, he shall be held as confessed, and sentence or decree shall be pronounced against him in terms of the complaint, with such costs and expenses as to the court shall seem fit: Provided that he shall be entitled to obtain himself reponed against any such decree at any time before the same be fully implemented, by lodging with the clerk of court a reponing note, and consigning in his hands the sum decerned for, and the costs which had been awarded by the court, and on the same day delivering or transmitting through the post to the pursuer or his agent a copy of such reponing note; and a certificate by the clerk of court of such note having been lodged shall operate as a sist of diligence till the cause shall have been reheard and finally disposed of, which shall be on the next sitting of the court, or on any day to which the court shall then adjourn it.

Orders not to be quashed for want of form and to be final.

709.—No order, decree, or sentence pronounced by any sheriff or justice of the peace in Scotland under the authority of this Act shall be quashed or vacated for any misnomer, informality, or defect of form; and all orders, decrees, and sentences so pronounced shall be final and conclusive, and not subject to suspension, reduction, or to any form of review or stay of execution, except on the ground of corruption or malice on the part of the sheriff or justices, in which case the suspension, or reduction must be brought within fourteen days of the date of the order, decree, or sentence complained of: Provided that no stay of execution shall be competent to the effect of preventing immediate execution of such order, decree, or sentence.

General rules, so far as applicable, to extend to penalties and proceedings in Scotland.

710.—Nothing in this Act shall be held in any way to annul or restrict the common law of Scotland with regard to the prosecution or punishment of offences at the instance or by the direction of the Lord Advocate, or the rights of owners or creditors in regard to enforcing a judicial sale of any ship and tackle, or to give to the High Court in England any jurisdiction in respect of salvage in Scotland which it has not heretofore had or exercised.

Prosecution of Offences in Colonies.

Prosecution of offences in British possession.

711.—Any offence under this Act shall, in any British possession, be punishable by any court or magistrate by whom an offence of a like character is ordinarily punishable, or in such other manner as may be determined by any Act or ordinance having the force of law in that possession.

Application of Part XIII.

Application of Part XIII.

712.—This Part of this Act shall, except where otherwise provided, apply to the whole of Her Majesty's dominions.

Part XIV.

Supplemental.

General Control of Board of Trade.

Superintendence of merchant shipping by Board of Trade.

713.—The Board of Trade shall be the department to undertake the general superintendence of all matters relating to merchant shipping and seamen, and are authorised to carry into execution the provisions of this Act and of all Acts relating to merchant shipping and seamen for the time being in force, except where otherwise provided by those Acts, or except so far as those Acts relate to the revenue.

Returns as to merchant shipping to Board of Trade.

714.—All consular officers and officers of customs abroad, and all local marine boards and superintendents, shall make and send to the Board of Trade such returns or reports on any matter relating to British merchant shipping or seamen as the Board may require.

Production of log books, &c by superintendents.

715.—All superintendents shall, when required by the Board of Trade, produce to that Board or to its officers all official log-books and other documents which are delivered to them under this Act.

Application of fees, fines, &c.

716.—(1) All fees and other sums (other than fines) received by the Board of Trade under the Second, Fourth, and Fifth Parts of this Act shall be carried to the account of the Mercantile Marine Fund.

(2) All fines coming into the hand of the Board of Trade under this Act shall be paid into the Exchequer as the Treasury may direct, and shall be carried to and form part of the Consolidated Fund.

Annotations

Modifications (not altering text):

C173 Application of subs. (1) affected by abolition of Mercantile Marine Fund (1.04.1899) by *Merchant Shipping (Mercantile Marine Fund) Act 1898* (61 & 62 Geo. 5) c. 44, s. 1(1)(a)-(c), commenced as per s. 9(3).

Abolition of Mercantile Marine Fund and constitution of General Lighthouse Fund.

1. (1) As from the commencement of this Act—

(a) All sums accounted for and paid to the Mercantile Marine Fund, except the light dues or other sums mentioned in paragraph (i) of section six hundred and seventy-six of the Merchant Shipping Act, 1894, shall be paid into the Exchequer.

(b) All expenses charged on and payable out of the Mercantile Marine Fund, except the expenses relating to lighthouses, buoys, and beacons mentioned in paragraph (i) of section six hundred and seventy-seven of the same Act, and except also any expenses incurred by a general lighthouse authority under section five hundred and thirty-one of the same Act, shall, so far as they are not paid by any private person, be paid out of moneys provided by Parliament:

(c) The said excepted sums shall be accounted for and paid to, and the said excepted expenses shall be charged on and payable out of, a fund which shall be called the General Lighthouse Fund, and references in Part XI. and in sections five hundred and thirty-one and six hundred and seventy-nine of the Merchant Shipping Act, 1894, to the Mercantile Marine Fund shall be construed as references to the General Lighthouse Fund.

...

Legal proceedings.

717.—The Board of Trade may take any legal proceedings under this Act in the name of any of their officers.

Expenses of Commissioners of Customs.

Expenses incurred by Commissioners of Customs.

718.—All expenses incurred by the Commissioners of Customs in the conduct of suits or prosecutions, or otherwise in carrying into effect the provisions of this Act, shall be considered as expenses having reference to the Revenues of Customs, and shall be paid accordingly; but the Board of Trade may, with the consent of the Treasury, repay out of the Mercantile Marine Fund all or any part of such of the expenses so paid as are under this Act chargeable on that fund.

Documents and Forms.

Proof of documents.

719.—All documents purporting to be made, issued, or written by or under the direction of the Board of Trade, and to be sealed with the seal of the Board, or to be signed by their secretary or one of their assistant secretaries, or, if a certificate, by one of the officers of the Marine Department, shall be admissible in evidence in manner provided by this Act.

Power of Board of Trade to prescribe forms.

720.—(1) Subject to any special provisions of this Act the Board of Trade may prepare and sanction forms for any book, instrument, or paper required under this Act, other than those required under the First Part of this Act, and may make such alterations in these forms as they think fit.

(2) The Board shall cause every such form to be sealed with their seal or marked with some other distinguishing mark, and before finally issuing any form or making any alteration in a form shall cause public notice thereof to be given in such manner as the Board think requisite in order to prevent inconvenience.

(3) The Board of Trade shall cause all such forms to be supplied at all custom houses and mercantile marine offices in the United Kingdom, free of charge, or at such moderate prices as the Board may fix, or the Board may license any persons to print and sell the forms.

(4) Every such book, instrument, or paper, required under this Act shall be made in the form (if any) approved by the Board of Trade, or as near thereto as circumstances

permit, and unless so made shall not be admissible in evidence in any civil proceeding on the part of the owner or master of any ship.

(5) Every such book, instrument, or paper, if made in a form purporting to be the proper form, and to be sealed or marked in accordance with this section, shall be deemed to be in the form required by this Act unless the contrary is proved.

Exemption from stamp duty

721.—The following instruments shall be exempt from stamp duty:—

(*a*) Any instruments used for carrying into effect the First Part of this Act: and

(*b*) Any instruments used by or under the direction of the Board of Trade in carrying into effect the Second, Fifth, Eleventh, and Twelfth Parts of this Act; and

(*c*) Any instruments which are by those Parts of this Act required to be in a form approved by the Board of Trade, if made in that form.

Offences as to use of forms.

722.—(1) If any person—

(*a*) forges, assists in forging, or procures to be forged, the seal or any other distinguishing mark of the Board of Trade on any form issued by the Board of Trade under this Act; or

(*b*) fraudulently alters, or assists in fraudulently altering, or procures to be fraudulently altered, any such form,

that person shall in respect of each offence be guilty of a misdemeanor.

(2) If any person—

(*a*) when a form approved by the Board is, under the Second Part of this Act, required to be used, uses without reasonable cause a form not purporting to be a form so approved; or

(*b*) prints, sells, or uses any document purporting to be a form approved by the Board of Trade, knowing the same not to be the form approved for the time being, or not to have been prepared or issued by the Board of Trade,

that person shall, for each offence, be liable to a fine not exceeding ten pounds.

Annotations

Editorial Notes:

E402 A fine of £10 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

Powers for enforcing Compliance with Act.

Powers for seeing that Act is complied with.

723.—(1) Where any of the following officers; namely,—

any officer of the Board of Trade,

any commissioned officer of any of Her Majesty's ships on full pay,

any British consular officer,

the Registrar-General of Shipping and Seamen or his assistant,

any chief officer of Customs in any place in Her Majesty's dominions, or

any superintendent,

has reason to suspect that the provisions of this Act, or any law for the time being in force relating to merchant seamen or navigation, is not complied with, that officer may—

(*a*) require the owner, master, or any of the crew of any British ship to produce any official log-books or other documents relating to the crew or any member thereof in their respective possession or control;

(*b*) require any such master to produce a list of all persons on board his ship, and take copies of the official logbooks or documents, or of any part thereof;

(*c*) muster the crew of any such ship; and

(*d*) summon the master to appear and give any explanation concerning the ship or her crew or the official logbooks or documents produced or required to be produced.

(2) If any person, on being duly required by an officer authorised under this section, fails without reasonable cause to produce to that officer any such official log-book or document as he is required to produce under this section, or refuses to allow the same to be inspected or copied, or impedes any muster of the crew required under this section, or refuses or neglects to give any explanation which he is required under this section to give, or knowingly misleads or deceives any officer authorised under this section to demand any such explanation, that person shall for each offence be liable to a fine not exceeding twenty pounds.

Annotations

Editorial Notes:

E403 A fine of £20 translates into a Class C fine, not exceeding €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 6, table ref. no. 8, S.I. No. 662 of 2010.

Surveyors of Ships.

Appointment of surveyors.

724.—(1) The Board of Trade may, at such ports as they think fit, appoint either generally or for special purposes, and on special occasion, any person they think fit to be a surveyor of ships for the purposes of this Act, and a person so appointed (in this Act referred to as a surveyor of ships) may be appointed either as a shipwright surveyor or as an engineer surveyor or as both.

(2) The Board of Trade may also appoint a surveyor-general of ships for the United Kingdom.

(3) The Board of Trade may remove any surveyors of ships and fix and alter their remuneration, and may make regulations as to the performance of their duties, and in particular as to the manner in which surveys of F349**[**ships**]** are to be made, as to the notice to be given by them when surveys are required, and as to the amount and payment of any travelling or other expenses incurred by them in the execution of their duties, and may by such regulations determine the persons by whom and the conditions under which the payment of those expenses is to be made.

(4) If a surveyor of ships demands or receives directly or indirectly any fee, remuneration, or gratuity whatever in respect of any duties performed by him under this Act otherwise than by the direction of the Board of Trade, he shall for each offence be liable to a fine not exceeding fifty pounds.

(5) The duties of a surveyor of ships shall be performed under the direction of the Board of Trade, and in accordance with the regulations made by that Board.

Annotations

Amendments:

F349 Substituted (19.11.1953) by *Merchant Shipping (Safety Convention) Act 1952* (29/1952), s. 47(1), S.I. No. 338 of 1953.

Modifications (not altering text):

C174 Application of section modified (19.11.1953) by *Merchant Shipping (Safety Convention) Act 1952* (29/1952), s. 16, S.I. No. 338 of 1953.

Radio surveyors

16. —(1) A person appointed to be a surveyor of ships under section 724 of the Principal Act may be appointed as a radio surveyor.

(2) The functions of the Minister under the said section 724 with respect to surveyors of ships shall not be exercised with respect to radio surveyors except with the approval of the Minister for Posts and Telegraphs.

(3) Wireless telegraphy surveyors appointed under section 724 of the Principal Act as amended by section 8 of the Act of 1933 shall be radio surveyors.

C175 References construed, application of section extended (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 75(4), commenced as per s. 86(2).

Substitution of ship surveyor for shipwright surveyor.

75.—(1) Any person appointed to be a surveyor of ships under section seven hundred and twenty-four of the principal Act may be appointed either as a ship surveyor or as an engineer surveyor. or as both, and any reference in that section or in any other section of the principal Act to a shipwright surveyor shall be construed as a reference to a ship surveyor.

(2) Any surveyor of ships who before the passing of this Act has been appointed as a shipwright surveyor, or both as a shipwright surveyor and an engineer surveyor, shall be deemed to have been appointed as a ship surveyor, or both as a ship surveyor and an engineer surveyor, as the case may be.

(3) The surveys required to be made under section two hundred and seventy-two of the principal Act by a ship surveyor and by an engineer surveyor may be made by the same person if that person has been appointed both as a ship surveyor and as an engineer surveyor, and that section shall be construed accordingly.

(4) The Board of Trade may, under subsection (2) of section seven hundred and twenty-four of the principal Act, in addition to appointing a surveyor-general of ships, appoint such other principal officers in connection with the survey of ships and other matters incidental thereto, as the Board think fit.

Editorial Notes:

E404 A fine of £50 translates into a Class B fine, not exceeding €4,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 5, table ref. no. 8, S.I. No. 662 of 2010.

E405 Fees prescribed for the purposes of an inspection of crew accommodation by a surveyor of ships (15.12.2000) by *Merchant Shipping (Fees) Order 2010* (S.I. No. 594 of 2010), art. 4(1), (2), in effect as per s. 1(2).

E406 Previous affecting provision: person appointed to be a surveyor of ships under section also enabled to be appointed as a wireless telegraphy surveyor subject to ministerial approval (1.01.1934) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 8, S.I. No. 174 of 1933; section repealed (4.10.1968) by *Merchant Shipping (Load Lines) Act 1968* (17/1968), s. 31(1) and sch., S.I. No. 206 of 1968.

Power of surveyor for purpose of survey of ships.

725.—(1) A surveyor of ships in the execution of his duties may go on board any steamship at all reasonable times, and inspect the same or any part thereof, or any of the machinery, boats, equipments, or articles on board thereof, or any certificates of the master, mate, or engineer to which the provisions of this Act or any of the regulations made under this Act apply, not unnecessarily detaining or delaying the ship from proceeding on any voyage, and if in consequence of any accident to the ship or for any other reason they consider it necessary so to do, may require the ship to be taken into dock for the purpose of surveying the hull thereof.

(2) If any person hinders any surveyor of ships from going on board any steamship or otherwise impedes him in the execution of his duties under this Act, that person shall for each offence be liable to a fine not exceeding five pounds.

Annotations

Editorial Notes:

E407 A fine of £5 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

Returns by surveyors to Board of Trade.

726.—(1) Surveyors of ships shall make such returns to the Board of Trade as that Board may require with respect to the build, dimensions, draught, burden, rate of sailing, room for fuel, and the nature and particulars of machinery and equipments of ships surveyed by them.

(2) The owner, master, and engineer of any ship so surveyed shall, on demand, give to the surveyors all such information and assistance within his power as they require for the purpose of those returns.

(3) If any owner, master, or engineer, on being applied to for that purpose, fails without reasonable cause to give any such information or assistance, he shall for each offence be liable to a fine not exceeding five pounds.

Annotations

Editorial Notes:

E408 A fine of £5 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

Appointment of surveyors in colonies.

727.—The governor of a British possession may appoint and remove surveyors of ships within the limits of the possession for any purposes of this Act to be carried into effect in that possession.

Board of Trade Inspectors.

Appointment of inspectors to report on accidents, &c.

728.—The Board of Trade may as and when they think fit appoint any person as an inspector to report to them—

(*a*) F350**[**...**]**

(*b*) whether the provisions of this Act, or any regulations made under or by virtue of this Act, have been complied with; or

(*c*) whether the hull and machinery of any steamship are sufficient and in good condition.

Annotations

Amendments:

F350 Repealed (5.06.2002) by *Merchant Shipping (Investigation of Marine Casualties) Act 2000* (14/2000), s. 6, S.I. No 289 of 2002.

Powers of inspectors.

729.—(1) An inspector so appointed (in this Act referred to as a Board of Trade inspector) and any person having the powers of a Board of Trade inspector—

(*a*) may go on board any ship and inspect the same or any part thereof, or any of the machinery, boats, equipments, or articles on board thereof to which the provisions of this Act apply, not unnecessarily detaining or delaying her from proceeding on any voyage; and

(*b*) may enter and inspect any premises the entry or inspection of which appears to him to be requisite for the purpose of the report which he is directed to make; and

(*c*) may, by summons under his hand, require the attendance of all such persons as he thinks fit to call before him and examine for the purpose of his report, and may require answers or returns to any inquiries he thinks fit to make; and

(*d*) may require and enforce the production of all books, papers, or documents which he considers important for the purpose of his report; and

(*e*) may administer oaths, or may, in lieu of requiring or administering an oath, require every person examined by him to make and subscribe a declaration of the truth of the statements made by him in his examination.

(2) Every witness summoned under this section shall be allowed such expenses as would be allowed to a witness attending on subpoena to give evidence before any court of record, or if in Scotland to a witness attending on citation the Court of Justiciary; and in case of any dispute as to the amount of those expenses, the same shall be referred in England or Ireland to one of the masters or registrars of the High Court, and in Scotland to the Queen's and Lord Treasurer's Remembrancer, and the officer shall, on request made to him for that purpose under the hand of the inspector or person having the powers of an inspector, ascertain and certify the proper amount of those expenses.

(3) If any person refuses to attend as a witness before a Board of Trade inspector or before any person having the powers of a Board of Trade inspector, after having been required to do so in manner provided by this section and after having had a tender made to him of the expenses (if any) to which he is entitled under this section, or refuses or neglects to make any answer, or to give any return, or to produce any document in his possession, or to make or subscribe any declarations which an inspector or person having the powers of an inspector is hereby empowered to require, that person shall for each offence be liable to a fine not exceeding ten pounds.

Annotations

Modifications (not altering text):

C176 Application of section modified (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 65(a), S.I. No. 32 of 1994. A fine of £1,000 translates into a Class C fine, not exceeding €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 6, table ref. no. 2, S.I. No. 662 of 2010. A fine of £15,000 converts to €19,046.10.

Amendment of sections 729 and 730 of Merchant Shipping Act, 1894.

65.—Where a person has committed an offence under section 729 or 730 of the Merchant Shipping Act, 1894, such person shall, in lieu of a fine not exceeding ten pounds provided for in each of those sections, be liable—

(a) in the case of an offence under the said section 729—

(i) on summary conviction, to a fine not exceeding £1,000 or to imprisonment for a term not exceeding 6 months, or to both,

(ii) on conviction on indictment, to a fine not exceeding £15,000 or to imprisonment for a term not exceeding 2 years, or to both,

...

Editorial Notes:

E409 A fine of £10 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

Penalty for obstructing inspectors in the execution of their duty.

730.—If any person wilfully impedes a Board of Trade inspector or any person having the powers of a Board of Trade inspector in the execution of his duty, whether on board a ship or elsewhere, that person shall for each offence be liable to a fine not exceeding ten pounds, and may be seized and detained by the inspector or person having the powers of an inspector, or by any person or persons whom that inspector or person may call to his assistance, until he can be conveniently taken before some justice of the peace or other officer having proper jurisdiction.

Annotations

Modifications (not altering text):

C177 Application of section modified (1.03.1994) by *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993), s. 65(a), S.I. No. 32 of 1994. A fine of £1,000 translates into a Class C fine, not exceeding €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 6, table ref. no. 2, S.I. No. 662 of 2010. A fine of £15,000 converts to €19,046.10.

Amendment of sections 729 and 730 of Merchant Shipping Act, 1894.

65.—Where a person has committed an offence under section 729 or 730 of the Merchant Shipping Act, 1894, such person shall, in lieu of a fine not exceeding ten pounds provided for in each of those sections, be liable—

(a) in the case of an offence under the said section 729—

(i) on summary conviction, to a fine not exceeding £1,000 or to imprisonment for a term not exceeding 6 months, or to both,

(ii) on conviction on indictment, to a fine not exceeding £15,000 or to imprisonment for a term not exceeding 2 years, or to both,

...

Editorial Notes:

E410 A fine of £10 translates into a Class D fine, not exceeding €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3 and 7, table ref. no. 8, S.I. No. 662 of 2010.

Exemption from Rates and Harbour Dues.

Exemption from rates.

731.—All lighthouses, buoys, beacons, and all light dues, and other rates, fees, or payments accruing to or forming part of the Mercantile Marine Fund, and all premises or property belonging to or occupied by any of the general lighthouse authorities or by the Board of Trade, which are used or applied for the purposes of any of the services for which those dues, rates, fees, and payments are received, and all instruments or

writings used by or under the direction of any of the general lighthouse authorities or of the Board of Trade in carrying on those services, shall be exempted from all public, parochial, and local taxes, duties, and rates of every kind.

F351**[**Provided that no such exemption shall be allowed in respect of excise duty on any hydrocarbon oil.**]**

Annotations

Amendments:

F351 Inserted (27.03.1998) by *Finance Act 1998* (3/1998), s. 91, commenced on enactment.

Modifications (not altering text):

C178 Section repealed in so far as it applies to rates (2.05.2002) by *Valuation Act 2001* (13/2001), s. 8 and sch. 1, S.I. No. 131 of 2002.

Repeals

8.—Each enactment mentioned in Schedule 1 is repealed to the extent specified in the third column of that Schedule.

...

SCHEDULE 1

Enactments Repealed

...

57 & 58 Vict., c. 60 Merchant Shipping Act, 1894 Section 731 in so far as it relates to rates

...

C179 Application of section affected (1.04.1899) by *Merchant Shipping (Mercantile Marine Fund) Act 1898* (61 & 62 Vict.) c. 44, s. 1(1)(c), commenced as per s. 9(3).

Abolition of Mercantile Marine Fund and constitution of General Lighthouse Fund.

1.— …

(c) The said excepted sums shall be accounted for and paid to, and the said excepted expenses shall be charged on and payable out of, a fund which shall be called the General Lighthouse Fund, and references in Part XI. and in sections five hundred and thirty-one and six hundred and seventy-nine of the Merchant Shipping Act, 1894, to the Mercantile Marine Fund shall be construed as references to the General Lighthouse Fund.

...

Exemption from harbour dues.

732.—All vessels belonging to or used by any of the general lighthouse authorities or the Board of Trade shall be entitled to enter, resort to, and use any harbours, ports, docks, or piers in the United Kingdom without payment of any tolls, dues, or rates of any kind.

Private Signals.

Registration of private code of signals.

733.—(1) If a shipowner desires to use for the purpose of a private code any rockets, lights, or other similar signals, he may register those signals with the Board of Trade, and that Board shall give public notice of the signals so registered in such manner as they think requisite for preventing those signals from being mistaken for signals of distress or signals for pilots.

(2) The Board may refuse to register any signals which in their opinion cannot easily be distinguished from signals of distress or signals for pilots.

(3) Where a signal has been registered under this section, the use or display thereof by any person acting under the authority of the shipowner in whose name it is registered shall not subject any person to any fine or liability under this Act for using or displaying signals improperly.

Annotations

Editorial Notes:

E411 Previous affecting provision: application of section extended (1.01.1934) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 25(5), S.I. No. 174 of 1933; repealed (4.10.1968) by *Merchant Shipping (Load Lines) Act 1968* (17/1968) s. 31(1) and sch., S.I. No. 206 of 1968.

E412 Previous affecting provision: application of section modified by *Merchant Shipping (Convention) Act 1914* (4 & 5 Geo. 5) c. 50, s. 11(2), not commenced as per s. 29(5) prior to Independence because of repeated Orders in Council postponing commencement and not commenced subsequently; repealed (3.11.1933) by *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933), s. 67(2) and sch. 2 part III, commenced on enactment.

Application of Act to Foreign Ships by Order in Council.

Application by Order in Council of provisions of Merchant Shipping Acts to foreign ships.

734.—Where it has been made to appear to Her Majesty that the government of any foreign country is desirous that any of the provisions of this Act, or of any Act hereafter to be passed amending the same, which do not apply to the ships of that country, should so apply and there are no special provisions in this Act for that application, Her Majesty in Council may order that such of those provisions as are in the Order specified shall (subject to the limitations, if any, contained therein) apply to the ships of that country, and to the owners, masters, seamen, and apprentices of those ships, when not locally within the jurisdiction of the government of that country, in the same manner in all respects as if those ships were British ships.

Powers of Colonial Legislature.

Power of colonial legislature to alter provisions of Act.

735.—(1) The legislature of any British possession may by any Act or Ordinance, confirmed by Her Majesty in Council, repeal, wholly or in part, any provisions of this Act (other than those of the Third Part thereof which relate to emigrant ships), relating to ships registered in that possession; but any such Act or Ordinance shall not take effect until the approval of Her Majesty has been proclaimed in the possession, or until such time thereafter as may be fixed by the Act or Ordinance for the purpose.

(2) Where any Act or Ordinance of the legislature of a British possession has repealed in whole or in part as respects that possession any provision of the Acts repealed by this Act, that Act or Ordinance shall have the same effect in relation to the corresponding provisions of this Act as it had in relation to the provision repealed by this Act.

Regulation of coasting trade by colonial legislature.

736.—The legislature of a British possession, may, by any Act or Ordinance, regulate the coasting trade of that British possession, subject in every case to the following conditions:—

32 & 33 Vict. c. 11.

(*a*) The Act or Ordinance shall contain a suspending clause providing that the Act or Ordinance shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in the British possession in which it has been passed:

(*b*) The Act or Ordinance shall treat all British ships (including the ships of any other British possession) in exactly the same manner as ships of the British possession in which it is made:

(*c*) Where by treaty made before the passing of the Merchant Shipping (Colonial) Act, 1869 (that is to say, before the thirteenth day of May eighteen hundred and sixty-nine), Her Majesty has agreed to grant to any ships of any foreign state any rights or privileges in respect of the coasting trade of any British possession, those rights and privileges shall be enjoyed by those ships for so long as Her Majesty has already agreed or may hereafter agree to grant the same, anything in the Act or Ordinance to the contrary notwithstanding.

Provision for Foreign Places where Her Majesty has Jurisdiction.

Provision for foreign places where Her Majesty has jurisdiction.

737.—Where under this Act anything is authorised to be done by to or before a British consular officer, and in any place outside Her Majesty's dominions in which Her Majesty has jurisdiction there is no such officer, such thing may be done in that place by to or before such officer as Her Majesty in Council may direct.

Orders in Council.

Provision as to Orders in Council.

738.—(1) Where Her Majesty has power under this Act, or any Act hereafter to be passed amending the same, to make an Order in Council, Her Majesty may from time to time make that Order in Council, and by Order in Council revoke alter or add to any Order so made.

(2) Every such Order in Council shall be published in the London Gazette, and shall be laid before both Houses of Parliament within one month after it is made, if Parliament be then sitting, or if not. within one month after the then next meeting of Parliament.

(3) Subject to any special provisions of this Act, upon the publication of any such Order the Order shall, as from the date of the publication or any later date mentioned in the Order, take effect as if it were enacted by Parliament.

Annotations

Modifications (not altering text):

C180 Reference to the London Gazette in subs. (2) to be construed as a reference to the Iris Oifigiúil (21.09.1927) by *The Merchant Shipping Act 1894 Adaptation Order 1927* (80 of 1927), reg. 3, in effect on signature.

3. The reference contained in sub-section (2) of section 738 of the Merchant Shipping Act, 1894, to the London Gazette shall be construed as a reference to the Iris Oifigiúil and the said Act shall have effect accordingly.

Editorial Notes:

E413 Previous affecting provision: power pursuant to section exercised (17.07.1977) by *Collision Regulations (Ships and Seaplanes on The Water) (Amendment) Order 1975* (S.I. No. 253 of 1975); revoked (29.10.1975) by *Collision Regulations (Ships and Water Craft on The Water) Order 1977* (S.I. No. 229 of 1977), art. 4, in effect as per art. 1(2).

E414 Previous affecting provision: power pursuant to section exercised (16.01.1968) by *Collision Regulations (Ships and Seaplanes on The Water) (Amendment) Order 1968* (S.I. No. 18 of 1968); revoked (29.10.1975) by *Collision Regulations (Ships and Seaplanes on The Water) (Amendment) Order 1975* (S.I. No. 253 of 1975), art. 4.

Transmission and Publication of Documents.

Notices, &c. to be in writing and provision as to sending by post.

739.—(1) Where by this Act any notice, authority, order, direction, or other communication is required or authorised to be given or made by the Board of Trade, or the Commissioners of Customs, or the governor of a British possession, to any person not being an officer of such Board, or Commissioners, or governor, the same shall be given or made in writing.

(2) Where any notice or document is by this Act required or authorised to be transmitted or sent, the same may be transmitted or sent by post.

Publication in London Gazette. 56 & 57 Vict. c. 66.

740.—Where a document is required by this Act to be published in the London Gazette, it shall be sufficient if notice thereof is published in accordance with the Rules Publication Act, 1893.

Annotations

Modifications (not altering text):

C181 Section construed (23.12.1927) by *Merchant Shipping Act 1894 Adaptation (No. 2) Order 1927* (S.R. & O. No. 106 of 1927), reg. 4, in effect on signature.

4. The Merchant Shipping Act, 1894, shall have effect in Saorstát Eireann as if the following section were inserted therein in lieu of the section 740 now contained therein, that is to say,

"740. Where a document is required by this Act to be published in the Iris Oifigiúil, the publication in the Iris Oifigiúil of a notice of such document having been made and of the place where copies thereof may be purchased shall be a sufficient compliance with such requirement."

Exemption of Her Majesty's Ships.

Exemption of Her Majesty's ships.

741.—This Act shall not, except where specially provided, apply to ships belonging to Her Majesty.

Annotations

Editorial Notes:

E415 Previous affecting provision: application of section extended (1.06.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 80, commenced as per s. 86(2); repealed (22.12.1955) by *Mercantile Marine Act 1955* (29/1955), s. 8 and sch. 1, commenced on enactment.

Definitions and Provisions as to Application of Act.

Definitions.

742.—In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them; (that is to say,)

53 & 54 Vict. c. 27.

" VESSEL " includes any ship or boat, or any other description of vessel used in navigation;

52 & 53 Vict. c. 10.

" SHIP " includes every description of vessel used in navigation not propelled by oars;

" FOREIGN-GOING SHIP " includes every ship employed in trading or going between some place or places in the United Kingdom, and some place or places situate beyond the following limits; that is to say, the coasts of the United Kingdom, the Channel Islands, and Isle of Man, and the continent of Europe between the River Elbe and Brest inclusive;

" HOME TRADE SHIP " includes every ship employed in trading or going within the following limits; that is to say, the United Kingdom, the Channel Islands, and Isle of Man, and the continent of Europe between the River Elbe and Brest inclusive;

" HOME TRADE PASSENGER SHIP " means every home trade ship employed in carrying passengers;

" MASTER " includes every person (except a pilot) having command or charge of any ship;

" SEAMAN " includes every person (except masters, pilots, and apprentices duly indentured and registered), employed or engaged in any capacity on board any ship;

" WAGES " includes emoluments;

" EFFECTS " includes clothes and documents;

" SALVOR " means, in the case of salvage services rendered by the officers or crew or part of the crew of any ship belonging to Her Majesty, the person in command of that ship;

" PILOT " means any person not belonging to a ship who has the conduct thereof;

" COURT " in relation to any proceeding includes any magistrate or justice having jurisdiction in the matter to which the proceeding relates;

" COLONIAL COURT OF ADMIRALTY " has the same meaning as in the Colonial Courts of Admiralty Act, 1890;

"A COMMISSIONER FOR OATHS " means a commissioner for oaths within the meaning of the Commissioners for Oaths Act, 1889;

" CHIEF OFFICER OF CUSTOMS " includes the collector, superintendent, principal coast officer, or other chief officer of customs at each port;

" SUPERINTENDENT " shall, so far as respects a British possession, include any shipping master or other officer discharging in that possession the duties of a superintendent;

" CONSULAR OFFICER," when used in relation to a foreign country, means the officer recognised by Her Majesty as a consular officer of that foreign country;

" BANKRUPTCY " includes insolvency;

" REPRESENTATION " means probate, administration, confirmation, or other instrument constituting a person the executor, administrator, or other representative of a deceased person;

" LEGAL PERSONAL REPRESENTATIVE " means the person so constituted executor, administrator, or other representative, of a deceased person;

" NAME " includes a surname;

"PORT " includes place;

"HARBOUR" includes harbours properly so called, whether natural or artificial, estuaries, navigable rivers, piers, jetties, and other works in or at which ships can obtain shelter, or ship and unship goods or passengers;

"TIDAL WATER " means any part of the sea and any part of a river within the ebb and flow of the tide at ordinary spring tides, and not being a harbour;

"HARBOUR AUTHORITY " includes all persons or bodies of persons, corporate or unincorporate, being proprietors of, or intrusted with the duty or invested with the power of constructing, improving, managing, regulating, maintaining or lighting a harbour;

"CONSERVANCY AUTHORITY " includes all persons or bodies of persons, corporate or unincorporate, intrusted with the duty or invested with the power of conserving, maintaining, or improving the navigation of a tidal water;

"LIGHTHOUSE " shall in addition to the ordinary meaning of the word include any floating and other light exhibited for the guidance of ships, and also any sirens and any other description of fog signals, and also any addition ta a lighthouse of any improved light, or any siren, or any description of fog signal;

"BUOYS AND BEACONS " includes all other marks and signs of the sea;

"THE TRINITY HOUSE " shall mean the master wardens and assistants of the guild, fraternity, or brotherhood of the most glorious and undivided Trinity and of St. Clement in the parish of Deptford Strond in the county of Kent, commonly called the corporation of the Trinity House of Deptford Strond;

"THE COMMISSIONERS OF IRISH LIGHTS " means the body incorporated by that name under the local Act of the session held in the thirtieth and thirty-first years of the reign of Her present Majesty, chapter eighty-one intituled "An Act to alter the constitution of the Corporation for preserving and improving the Port of Dublin and for other purposes connected with that body and with the Port of Dublin Corporation," and any Act amending the same;

"LIFEBOAT SERVICE " means the saving, or attempted saving of vessels, or of life, or property on board vessels, wrecked or aground or sunk, or in danger of being wrecked or getting aground or sinking.

Any reference to failure to do any act or thing shall include a reference to refusal to do that act or thing.

Annotations

Modifications (not altering text):

C182 Definitions of foreign-going ship, home trade ship construed (27.07.1983) by *Merchant Shipping Act 1894 (Adaptation) Order 1983* (S.I. No. 223 of 1983), art. 3.

3. Section 742 of the Merchant Shipping Act, 1894, shall be construed and have effect as if—

(a) the following definition were substituted for the definition of "foreign-going ship":

'foreign-going', in relation to any ship, means employed in trading or going between some place or places in the State, Great Britain or Northern Ireland, and some place or places situated beyond the following limits, that is to say the coasts of the State, Great Britain, Northern Ireland, the Channel Islands and the Isle of Man and Continental Europe between the north bank of the River Eider and Brest, inclusive;

(b) the following definition were substituted for the definition of "home trade ship":

'home trade', in relation to any ship, means employed in trading or going within the following limits, that is to say the State, Great Britain, Northern Ireland, the Channel Islands, the Isle of Man and Continental Europe between the north bank of the River Eider and Brest inclusive, and 'home trade limits' shall be construed accordingly.

C183 Application of section extended (1.01.1922) by *Merchant Shipping Act 1921* (11 & 12 Geo. 5) c. 28, s. 1(1), commenced as per s. 4(2).

Application of Parts I. and VIII. of the Merchant Shipping Act, 1894, to lighters, &c. 57 & 58 Vict. c. 60

1.—(1) Notwithstanding anything in section seven hundred and forty-two of the Merchant Shipping Act, 1894 (hereinafter referred to as "the principal Act"), the principal Act shall have effect as though in the provisions of Parts I. and VIII. thereof (which relate respectively to the registry of ships and to the limitation of the liability of the owners of ships), as amended or extended by any subsequent enactment, the expression "ship" included every description of lighter, barge, or like vessel used in navigation in Great Britain, however propelled:

Provided that a lighter, barge, or like vessel used exclusively in non-tidal waters, other than harbours, shall not, for the purposes of this Act, be deemed to be used in navigation.

...

Application of Act to ships propelled by electricity, &c.

743.—Any provisions of this Act applying to steamers or steamships shall apply to ships propelled by electricity or other mechanical power with such modifications as the Board of Trade may prescribe for the purpose of adaptation.

Application of Act to certain fishing vessels.

744.—Ships engaged in the whale, seal, walrus, or Newfoundland cod fisheries shall be deemed to be foreign-going ships for the purpose of this Act, and not fishing boats, with the exception of ships engaged in the Newfoundland cod fisheries which belong to ports in Canada or Newfoundland and of ships engaged in the whale fisheries off the coast of Scotland and registered at ports in Scotland].

Repeal and Savings.

Repeal.

745.—(1) F352**[**...**]** Provided that—

17 & 18 Vict. c. 120.

(*a*) Any Order in Council, licence, certificate, byelaw, rule, or regulation made or granted under any enactment hereby repealed shall continue in force as if it had been made or granted under this Act;

57 & 58 Vict. c. 2.

52 & 53 Vict. c. 63.

(*b*) Any officer appointed, any body elected or constituted, and any savings bank or office established, under any enactment hereby repealed shall continue and be deemed to have been appointed, elected, constituted, or established, as the case may be, under this Act;

52 & 53 Vict. c. 43.

(*c*) Any document referring to any Act or enactment hereby repealed shall be construed to refer to this Act, or to the corresponding enactment of this Act;

(*d*) Any penalty may be recovered, and any offence may be prosecuted, under any provision of the Merchant Shipping Acts, 1854 to 1892, which is not repealed by this Act, in the same manner as fines may be recovered and offences prosecuted under this Act;

(*e*) Ships registered under the Merchant Shipping Act, 1854, and the Acts amending the same, or duly registered before the passing of the Merchant Shipping Act, 1854, shall be deemed to have been registered under this Act;

(*f*) Nothing in this Act shall affect the Behring Sea Award Act, 1894, and that Act shall have effect as if this Act had not passed.

(2) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

(3) The tonnage of every ship not measured or remeasured in accordance with the Merchant Shipping Tonnage Act, 1889, shall be estimated for all purposes as if any deduction prohibited by the Merchant Shipping (Tonnage) Act, 1889, had not been made, and the particulars relating to the ship's tonnage in the registry book and in her certificate of registry shall be corrected accordingly.

Annotations

Amendments:

F352 Repealed (21.12.1908) by *Statute Law Revision Act 1908* (8 Edw. 7) c. 49. s. 1 and sch.

Savings.

746.—(1) Nothing in this Act shall affect the Chinese Passengers Act, 1855.

18 & 19 Vict. c. 104.

(2) Any local Act which repeals or affects any provisions of the Acts repealed by this Act shall have the same effect on the corresponding provisions of this Act as it had on the said provisions repealed by this Act.

(3) Nothing in this Act shall affect the rating of any seaman who was rated and served as A.B. before the second day of August one thousand eight hundred and eighty.

Short Title and Commencement.

Short title.

747.—This Act may be cited as the Merchant Shipping Act, 1894.

Commencement.

748.—F353**[**...**]**

Annotations

Amendments:

F353 Repealed (21.12.1908) by *Statute Law Revision Act 1908* (8 Edw. 7) c. 49. s. 1 and sch.

Editorial Notes:

E416 This Act commenced on 1.01.1895.

SCHEDULES.

FIRST SCHEDULE.

PART I.

Sects. 24, 31, 37, 65.

[The Forms in this Part of the Schedule are subject to alteration from time to time by the Commissioners of Customs, with the consent of the Board of Trade.]

FORM A.—BILL OF SALE.

Official No.	Name of Ship.	No., Date, and Port of Registry.
No., Date, and Port of Previous Registry (if any).		

Whether British or Foreign built.	Whether a Sailing or Steam Ship; and if a Steam Ship how propelled.	Where built.	When built.	Name and Address of Builders.

		Length from fore part of stem, under the bowsprit, to the aft side of the Head of the Stern-post - - - -	Feet.	Tenths.
No. of Decks	Head - - -	Length at quarter of depth from top of weather deck at side amidships to bottom of keel - - - -		
No. of Masts	Framework and description of vessel - -	Mainbreadth to outside of Plank - -		
Rigged - -		Depth in Hold from Tonnage Deck to Ceiling at Midships - - -		
Stern - -	No. of Bulkheads	Depth in Hold from Upper Deck to Ceiling at Midships in the case of three Decks and upwards - - -		
Build - -	No. of water ballast tanks and their capacity in tons - -	Depth from top of Beam amidships to top of Keel - - - - -		
Galleries -		Depth from top of Deck at side amidships to bottom of Keel - - - -		
		Round of Beam - - - -		
		Length of Engine Room, if any - -		

PARTICULARS OF DISPLACEMENT.

Total to quarter the depth from weather deck at side amidships to bottom of keel - tons.	Ditto per inch immersion at same depth - - - - - - - tons.

PARTICULARS OF ENGINES (if any).

No. of Engines.	Description.	Whether British or Foreign made.	When made.	Name and Address of Makers.	No. of and Diameter of Cylinders.	Length of Stroke.	N.H.P., I.H. P. Speed of Ship.
	Engines.		Engines.	Engines.			

	Boilers. Number - - - Iron or Steel - - Pressure when loaded		Boilers.	Boilers.			

PARTICULARS OF TONNAGE.

GROSS TONNAGE.	No. of Tons.	DEDUCTIONS ALLOWED.		No. of Tons.
Under Tonnage Deck - - - Closed-in Spaces above the Tonnage Deck, if any: Space or Spaces between Deck - Poop - - - - - Forecastle - - - - Round house - - - Other closed-in Spaces, Spaces for Machinery, Light and Air, if any - - - - - -		On account of Space required for Propelling Power - - - - On account of Spaces occupied by Seamen or Apprentices, and appropriated to their use, and certified under the regulations scheduled to this Act. These Spaces are the following, viz.: On account of space used exclusively for accommodation of master, for the working of the helm, the capstan and the anchor gear, or for keeping the charts, signals, and other instruments of navigation, and boatswain's stores, and for space occupied by donkey engine and boiler, and in case of sailing ships for space used for storage of sails - - - - - - - -		
		Cubic Metres.		
Gross Tonnage - -				
Deductions as per Contra -				
Registered Tonnage -			Total Deductions -	

*

in consideration of the sum of _____ paid to† _____ by _____ the receipt whereof is hereby acknowledged, transfer _____ shares in the ship above particularly described, and in her boats, guns, ammunition, small arms, and appurtenances, to the said _____.

Further‡ _____ the said _____ for§ _____ heirs covenant with the said _____ and‖ _____ assigns, that¶ _____ have power to transfer in manner aforesaid the premises herein-before expressed to be transferred, and that the same are free from incumbrances** _____.

In witness whereof _____ ha____ hereunto subscribed _____ name _____ and affixed _____ seal this _____ day of _____ One thousand eight hundred and _____.

Executed by the above-named _____
in the presence of _____

* "I" or "we."
† "Me" or us."
‡ "I" or "we."
§ "Myself and my" "ourselves and our."
‖ "His," "her," or "their."
¶ "I" or "we."
** If there be any subsisting Mortgage, or outstanding Certificate of Mortgage, add "save as "appears by the Registry "of the said ship."

NOTE.—A purchaser of a Registered British Vessel does not obtain a complete title until the Bill of Sale has been recorded at the Port of Registry of the Ship; and neglect of this precaution may entail serious consequences.

FORM B.—MORTGAGE.

[*Insert description of ship and particulars as in Bill of Sale.*]

i. TO SECURE PRINCIPAL SUM AND INTEREST.

(a) _____ the undersigned _____ in consideration of _____ this day lent to (b) _____ by _____ do hereby for (c) _____ and (d) _____ heirs, covenant with the said _____ firstly That (a) _____ or (d) _____ heirs, executors, or administrators, will pay to the said _____ the said sum of _____ together with interest thereon at the rate of _____ per cent. per annum on the _____ day of _____ next; and secondly, that if the said principal sum is not paid on the said day (a) _____ or (d) _____ heirs, executors, or administrators, will, during such time as the same or any part thereof remains unpaid, pay to the said _____ interest on the whole or such part thereof as may for the time being remain unpaid, at the rate of _____ per cent. per annum, by equal half-yearly payments on the _____ day of _____ and _____ day of _____ in every year; and for better securing to the said _____ the repayment in manner aforesaid of the said principal sum and interest (a) _____ hereby mortgage to the said _____ shares, of which (e) _____ the Owner _____ in the Ship above particularly described, and in her boats, guns, ammunition, small arms, and appurtenances. Lastly, (a) _____ for (c) _____ and (d) _____ heirs, covenant with the said _____ and _____ assigns that (a) _____ ha _____ power to mortgage in manner aforesaid the above-mentioned shares, and that the same are free from incumbrances (g) _____.

In witness thereof (a) _____ ha _____ hereto subscribed (d) _____ name _____ and affixed (d) _____ seal _____ this _____ day of _____ One thousand eight hundred and _____

Executed by the above-named _____
in the presence of _____

(a) "I" or "we."
(b) "Me" or "us."
(c) "Myself" or "ourselves."
(d) "My" or "our."
(e) "I am" or "we are."
(f) Insert the day fixed for payment of principal as above.
(g) If any prior incumbrance add, "save "as appears by the "Registry of the said "Ship."

NOTE.—The prompt registration of a Mortgage Deed at the Port of Registry of the Ship is essential to the security of the Mortgagee, as a Mortgage takes its priority from the date of production for registry, ***not from the date of the instrument.***

ii. TO SECURE ACCOUNT CURRENT, &c.

(a) Here state by way of recital that there is an account current between the Mortgagor (describing him) and the Mortgagee (describing him); and describe the nature of the transaction so as to show how the amount of principal and interest due at any given time is to be ascertained, and the manner and time of payment.
(b) "I" or "we."
(c) "Myself" or "ourselves."
(d) "My" or "our."
(e) "His" or "their."
(f) "I am" or "we are."
(g) If any prior incumbrance add, "save as appears by the Registry of the said Ship."

Whereas (a)_____
Now (b)_____ the undersigned _____ in consideration of the premises for (c)_____ and (d)_____ heirs, covenant with the said _____ and (e)_____ assigns, to pay to him or them the sums for the time being due on this security, whether by way of principal or interest, at the times and manner aforesaid. And for the purpose of better securing to the said _____ the payment of such sums as last aforesaid, (b)_____ do hereby mortgage to the said _____ shares, of which (f)_____ the Owner_____ in the Ship above particularly described, and in her boats, guns, ammunitions, small arms, and appurtenances.

Lastly, (b)_____ for (c)_____ and (d)_____ heirs, covenant with the said _____ and (e)_____ assigns that (b)_____ ha_____ power to mortgage in manner aforesaid the above-mentioned shares, and that the same are free from incumbrances (g)_____.

In witness whereof (b)_____ ha_____ hereto subscribed (d)_____ nam_____ and affixed (d)_____ seal_____ this_____ day of_____ One thousand eight hundred and _____.

Executed by the above-named_____
in the presence of_____

NOTE.—The prompt registration of a Mortgage Deed at the Port of Registry of the Ship is essential to the security of the Mortgagee, as a Mortgage takes its priority from the date of production for registry, *not from the date of the instrument.*

FORM C.—TRANSFER OF MORTGAGE.

[*To be indorsed on the original mortgage.*]

(a) "I" or "we."
(b) "Me" or "us."
(c) "Him" or "them."
(d) "I" or "we."
(e) "My" or "our."

(a)_____ the within-mentioned _____ in consideration of _____ this day paid to (b)_____ by _____ hereby transfer to (c)_____ the benefit of the within written security. In witness whereof (d)_____ ha_____ hereunto subscribed (e)_____ name_____ and affixed (e)_____ seal_____, this_____ day of_____ One thousand eight hundred and _____.

Executed by the above-named_____
in the presence of_____

PART II.

Documents of which the forms are to be prescribed by the Commissioners of Customs and sanctioned by the Board of Trade.

Certificate of surveyor.

Declaration of ownership by individual owner.

Declaration of ownership on behalf of a corporation as owner.

Certificate of registry.

Provisional certificate.

Declaration of ownership by individual transferee.

Declaration of ownership on behalf of a corporation as transferee.

Declaration of owner taking by transmission.

Declaration by mortgagee taking by transmission.

Certificate of mortgage.

Certificate of sale.

Revocation of certificate of sale or mortgage.

Sects. 77, 78, 81, 85.

SECOND SCHEDULE.

Measurement of Tonnage.

Rule I.

Rule I.

Measurement of ships to be registered and other ships of which the hold is clear.

Lengths.

(1) Measure the length of the ship in a straight line along the upper side of the tonnage deck from the inside of the inner plank (average thickness) at the side of the stem to the inside of the midship stern timber or plank there, as the case may be (average thickness), deducting from this length what is due to the rake of the bow in the thickness of the deck, and what is due to the rake of the stern timber in the thickness of the deck, and also what is due to the rake of the stern timber in one third of the round of the beam; divide the length so taken into the number of equal parts required by the following table, according to the class in such table to which the ship belongs:—

Table.

Class 1. Ships of which the tonnage deck is according to the above measurement 50 feet long or under, into 4 equal parts:

Class 2. Ships of which the tonnage deck is according to the above measurement above 50 feet long and not exceeding 120, into 6 equal parts:

Class 3. Ships of which the tonnage deck is according to the above measurement above 120 feet long and not exceeding 180, into 8 equal parts:

Class 4. Ships of which the tonnage deck is according to the above measurement above 180 feet long and not exceeding 225, into 10 equal parts:

Class 5. Ships of which the tonnage deck is according to the above measurement above 225 feet long, into 12 equal parts:

Transverse areas.

(2) Then the hold being first sufficiently cleared to admit of the required depths and breadths being properly taken, find the transverse area of the ship at each point of division of the length as follows:—Measure the depth at each point of division, from a point at a distance of one third of the round of the beam below the tonnage deck, or, in case of a break, below a line stretched in continuation thereof, to the upper side of the floor timber at the inside of the limber strake, after deducting the average thickness of the ceiling which is between the bilge planks and limber strake (subject, however, to the provisions of this Act in the case of a ship constructed with a double bottom for water ballast); then if the depth at the midship division of the length do not exceed sixteen feet, divide each depth into four equal parts; then measure the inside horizontal breadth at each of the three points of division, and

also at the upper and lower points of the depth, extending each measurement to the average thickness of that part of the ceiling which is between the points of measurement; number these breadths from above (i.e., numbering the upper breadth one, and so on down to the lowest breadth); multiply the second and fourth by four, and the third by two; add these products together, and to the sum add the first breadth and the fifth; multiply the quantity thus obtained by one third of the common interval between the breadths, and the product shall be deemed the transverse area; but if the midship depth exceed sixteen feet, divide each depth into six equal parts instead of four, and measure as before directed the horizontal breadths at the five points of division, and also at the upper and lower points of the depth; number them from above as before; multiply the second, fourth, and sixth by four, and the third and fifth by two; add these products together, and to the sum add the first breadth and the seventh; multiply the quantity thus obtained by one third of the common interval between the breadths, and the product shall be deemed the transverse area.

Computation from areas.

(3) Having thus ascertained the transverse area at each point of division of the length of the ship as required by the above table, proceed to ascertain the register tonnage under the tonnage deck in the following manner:—Number the areas respectively 1, 2, 3, &c., No. 1 being at the extreme limit of the length at the bow, and the last No. at the extreme limit of the length at the stern; then, whether the length be divided according to the table into four or twelve parts as in classes 1 and 5, or any intermediate number as in classes 2, 3, and 4, multiply the second and every even numbered area by four, and the third and every odd numbered area (except the first and last) by two; add these products together, and to the sum add the first and last if they yield anything; multiply the quantity thus obtained by one third of the common interval between the areas, and the product will be the cubical contents of the space under the tonnage deck; divide this product by one hundred, and the quotient, being the tonnage under the tonnage deck, shall be deemed to be the register tonnage of the ship subject to any additions and deductions under this Act.

In case of decks above the tonnage deck.

(4) If the ship had a third deck, commonly called a spar deck, the tonnage of the space between it and the tonnage deck shall be ascertained as follows:—Measure in feet the inside length of the space at the middle of its height from the plank at the side of the stem to the lining on the timbers at the stern, and divide the length into the same number of equal parts into which the length of the tonnage deck is divided as above directed; measure (also at the middle of its height) the inside breadth of the space at each of the points of division, also the breadth at the stem and the breadth at the stern; number them successively 1, 2, 3, &c., commencing at the stem; multiply the second and all the other even numbered breadths by four, and the third and all the other odd numbered breadths (except the first and last) by two; to the sum of these products add the first and last breadths; multiply the whole sum by one third of the common interval between the breadths, and the result will give in superficial feet the mean horizontal area of the space; measure the mean height of the space, and multiply by it the mean horizontal area, and the product will be the cubical contents of the space; divide this product by one hundred, and the quotient shall be deemed to be the tonnage of the space and shall be added to the tonnage of the ship ascertained as aforesaid. If the ship has more than three decks, the tonnage of each space between decks above the tonnage deck shall be severally ascertained in manner above described, and shall be added to the tonnage of the ship ascertained as aforesaid.

Poop, deckhouse, forecastle, and any other closed-in space.

(5) If there be a break, a poop, or any other permanent closed-in space on the upper deck, available for cargo or stores, or for the berthing or accommodation of passengers or crew, the tonnage of that space shall be ascertained as follows:—Measure the internal mean length of the space in feet, and divide it into two equal parts; measure at the middle of its height three inside breadths, namely, one at each end and the other at the middle of the length; then to the sum of the end breadths add four times the middle breadth, and multiply the whole sum by one third of the common interval between the breadths, the product will give the mean horizontal area of the space; then measure the mean height, and multiply by it the mean horizontal area; divide

the product by one hundred, and the quotient shall be deemed to be the tonnage of the space, and shall be added to the tonnage under the tonnage deck ascertained as aforesaid. Provided that no addition shall be made in respect of any building erected for the shelter of deck passengers, and approved by the Board of Trade.

Rule II.

Rule II.

Measurement of ships not requiring registry with cargo on board and ships which cannot be measured under Rule I.

Length.

Breadth.

Girthing of the ship.

(1) Measure the length on the uppermost deck from the outside of the outer plank at the stem to the aftside of the stern post, deducting therefrom the distance between the aftside of the stern post and the rabbet of the stern post at the point where the counter plank crosses it; measure also the greatest breadth of the ship to the outside of the outer planking or wales, and then, having first marked on the outside of the ship on both sides thereof the height of the upper deck at the ship's sides, girt the ship at the greatest breadth in a direction perpendicular to the keel from the height so marked on the outside of the ship on the one side to the height so marked on the other side by passing a chain under the keel; to half the girth thus taken add half the main breadth; square the sum; multiply the result by the length of ship taken as aforesaid; then multiply this product by the factor·0018 (eighteen ten-thousandths) in the case of ships built of wood, and ·0021 (twenty-one ten-thousandths) in the case of ships built of iron, and the product shall be deemed the register tonnage of the ship, subject to any additions and deductions under this Act.

Poop, deckhouse, forecastle, and other closed-in spaces on upper deck.

(2) If there be a break, a poop, or other closed-in space on the upper deck, the tonnage of that space shall be ascertained by multiplying together the mean length, breadth, and depth of the space, and dividing the product by 100 and the quotient so obtained shall be deemed to be the tonnage of the space, and shall be added to the tonnage of the ship ascertained as aforesaid.

Rule III.

Rule III.

Measurement of allowance for engine room space in steamships.

(i) Measure the mean depth of the space from its crown to the ceiling at the limber strake, measure also three, or, if necessary, more than three breadths of the space at the middle of its depth, taking one of those measurements at each end, and another at the middle of the length; take the mean of those breadths; measure also the mean length of the space between the foremost and aftermost bulkheads or limits of its length, excluding such parts, if any, as are not actually occupied by or required for the proper working of the machinery; multiply together these three dimensions of length, breadth, and depth, divide the product by 100 and the result shall be deemed the tonnage of the space below the crown; then find the cubical contents of the space or spaces, if any, above the crown aforesaid, which are framed in for the machinery or for the admission of light and air, by multiplying together the length, depth, and breadth thereof; add such contents to the cubical contents of the space below the crown; divide the sum by 100; and the result shall (subject to the provisions herein-after contained) be deemed to be the tonnage of the space.

(ii) If in any ship in which the space for propelling power is to be measured the engines and boilers are fitted in separate compartments, the contents of each shall be measured severally in like manner, according to the above rules, and the sum of their several results shall be deemed to be the tonnage of the said space.

(iii) In the case of screw steamers in which the space for propelling power is to be measured, the contents of the shaft trunk shall be ascertained by multiplying together the mean length, breadth, and depth of the trunk, and dividing the product by 100.

(iv) If in any ship in which the space aforesaid is to be measured any alteration be made in the length or capacity of the spaces or if any cabins be fitted in the space, the ship shall be deemed to be a ship not registered until remeasurement.

Rule IV.

RULE IV.

Measurement of open ships.

IV. In ascertaining the tonnage of open ships the upper edge of the upper strake is to form the boundary line of measurement, and the depths shall be taken from an athwartship line, extended from upper edge to upper edge of the said strake at each division of the length.

Sect. 83.

THIRD SCHEDULE.

TABLE OF MAXIMUM FEES TO BE PAID FOR THE MEASUREMENT OF MERCHANT SHIPS

	£	*s.*	*d.*
For a ship under 50 tons register tonnage	1	0	0
" from 50 to 100 tons register tonnage	1	10	0
" " 100 to 200 " "	2	0	0
" " 200 to 500 " "	3	0	0
" " 500 to 800 " "	4	0	0
" " 800 to 1,200 " "	5	0	0
" " 1,200 to 2,000 " "	6	0	0
" " 2,000 to 3,000 " "	7	0	0
" " 3,000 to 4,000 " "	8	0	0
" " 4,000 to 5,000 " "	9	0	0
" " 5,000 and upwards " "	10	0	0

Sect. 97.

FOURTH SCHEDULE.

Table of Maximum Fees to be paid by Applicants for Examination.

For Certificates as Masters and Mates.

	£	s.	d.
Certificate as Master	2	0	0
Certificate as Mate	1	0	0

For Certificates as Engineers.

	£	s.	d.
Certificate as first-class engineer	2	0	0
Certificate as second-class engineer	1	0	0

Sect. 200.

FIFTH SCHEDULE.

Regulations to be observed with respect to Anti-Scorbutics.

Furnishing of Anti-Scorbutics.

(1) The anti-scorbutics to be furnished shall be lime or lemon juice, or such other anti-scorbutics (if any) of such quality, and composed of such materials, and packed and kept in such manner as Her Majesty by Order in Council may direct.

(2) No lime or lemon juice shall be deemed fit and proper to be taken on board ship, for the use of the crew or passengers thereof, unless it has been obtained from a bonded warehouse for and to be shipped as stores.

(3) Lime or lemon juice shall not be so obtained or delivered from a, warehouse as aforesaid, unless—

(*a*) it is shown, by a certificate under the hand of an inspector appointed by the Board of Trade, to be proper for use on board ship, the certificate to be given upon inspection of a sample, after deposit of the lime or lemon juice in the warehouse; and

(*b*) it contains fifteen per cent, of proper and palatable proof spirit, to be approved by the inspector or by the proper officer of customs, and to be added before or immediately after the inspection thereof; and

(*c*) it is packed in such bottles at such time and in such manner and is labelled in such manner as the Commissioners of Customs may direct.

(4) If the lime or lemon juice is deposited in a bonded warehouse, and has been approved as aforesaid by the inspector, the spirit, or the amount of spirit necessary to make up fifteen per cent., may be added in the warehouse, without payment of

any duty thereon; and when any spirit has been added to any lime or lemon juice, and the lime or lemon juice has been labelled as aforesaid, it shall be deposited in the warehouse for delivery as ship's stores only, upon such terms and subject to such regulations of the Commissioners of Customs as are applicable to the delivery of ship's stores from the warehouse.

(5) The lime or lemon juice with which a ship is required by this Act to be provided shall be taken from the warehouse duly labelled as aforesaid, and the labels shall remain intact until twenty-four hours at least after the ship has left her port of departure on her foreign voyage.

Serving out of Anti-Scorbutics.

(6) The lime or lemon juice shall be served out with sugar (the sugar to be in addition to any sugar required by the agreement with the crew).

(7) The anti-scorbutics shall be served out to the crew so soon as they have been at sea for ten days; and during the remainder of the voyage, except during such time as they are in harbour and are there supplied with fresh provisions.

(8) The lime or lemon juice and sugar shall be served out daily at the rate of an ounce each per day to each member of the crew, and shall be mixed with a due proportion of water before being served out.

(9) The other anti-scorbutics, if any, provided in pursuance of an Order in Council shall be served out at such times and in such quantities as the Order in Council directs.

Sects. 79, 210.

SIXTH SCHEDULE.

REGULATIONS TO BE OBSERVED WITH RESPECT TO ACCOMMODATION ON BOARD SHIPS.

(1) Every place in a ship occupied by seamen or apprentices, and appropriated to their use, shall be such as to make the space which it is required by the Second Part of this Act to contain available for the proper accommodation of the men who are to occupy it, and shall be securely constructed, properly lighted and ventilated, properly protected from weather and sea, and as far as practicable properly shut off and protected from effluvium which may be caused by cargo or bilge water.

(2) A place so occupied and appropriated as aforesaid shall not authorise a deduction from registered tonnage under the tonnage regulations of this Act unless there be in the ship properly constructed privies for the use of the crew, of such number and of such construction as may be approved by the surveyor of ships.

(3) Every place so occupied and appropriated as aforesaid shall, whenever the ship is registered or re-registered, be inspected by one of the surveyors of ships under this Act, who shall, if satisfied that the same is in all respects such as is required by this Act, give to the collector of customs a certificate to that effect, and if the certificate is obtained, but not otherwise, the space shall be deducted from the register tonnage.

(4) No deduction from tonnage as aforesaid shall be authorised unless there is permanently cut in a beam, and cut in or painted on or over the doorway or hatchway of every place so occupied and appropriated, the number of men which it is constructed to accommodate, with the words "Certified to accommodate seamen."

(5) Upon any complaint concerning any place so occupied and appropriated as aforesaid, a surveyor of ships may inspect the place, and if he finds that any of the provisions of this Act with respect to the same are not complied with he shall report

the same to the chief officer of customs at the port where the ship is registered, and thereupon the registered tonnage shall be altered, and the deduction aforesaid in respect of space disallowed, unless and until it be certified by the surveyor, or by some other surveyor of ships, that the provisions of this Act in respect of the place are fully complied with.

Maximum Fees for Inspection.

(6) The fee for each visit to the ship shall not exceed ten shillings.

(7) The aggregate amount of the fees for any such inspection shall not exceed one pound, whatever be the number of separate visits.

(8) When the accommodation is inspected at the same time with the measurement of the tonnage, no separate fee shall be charged for the inspection.

Sect. 244.

SEVENTH SCHEDULE.

Constitution of Local Marine Boards.

Elections.

Constitution of local marine board.

1. A local marine board shall consist of the following members; viz.,—

(*a*) The mayor or provost and the stipendiary magistrate, or such of the mayors or provosts and stipendiary magistrates of the place (if more than one) as the Board of Trade appoint:

(*b*) Four members appointed by the Board of Trade from among persons residing or having places of business at the port or within seven miles thereof:

(*c*) Six members elected by the owners of such foreign-going ships and home trade passenger ships as are registered at the port.

2. The election shall be held on the twenty-fifth day of January one thousand eight hundred and ninety-six, and on the twenty-fifth day of January in every third succeeding year, and the appointments shall be made within one month after the elections.

3. Upon the conclusion of that month and the constitution of a new board, the functions of the then existing board shall cease, and the board, consisting of the members then newly elected and appointed, shall take its place.

4. A casual vacancy happening in the intervals between the general elections and appointments, by death, resignation, disqualification, or otherwise, shall be filled up within one month after it happens; and every person elected or appointed to fill a casual vacancy shall continue a member until the next constitution of the new board.

5. The mayor or provost shall fix the place and mode of conducting elections, and also, in the case of casual vacancies, the day of election, and shall give at least ten days notice thereof.

6. The Board of Trade may decide any question raised concerning any election.

Registry and Votes of Electors.

7. Owners of foreign-going ships and of home trade passenger ships registered at the port shall have votes at the election as follows; namely,—

Every registered owner of not less than 250 tons in the whole of such shipping shall at every election have one vote for each member for every 250 tons owned by him, so that his votes for any one member do not exceed ten.

8. The qualification of electors shall be ascertained as follows:—

(*a*) In the case of a ship registered in the name of one person that person shall be deemed the owner:

(*b*) In the case of a ship registered in distinct and several shares in the names of more persons than one the tonnage shall be apportioned among them as nearly as may be in proportion to their respective shares, and each of them shall be deemed the owner of the tonnage so apportioned to him:

(*c*) In the case of a ship or shares of a ship registered jointly without severance of interest in the names of more persons than one the tonnage shall, if sufficient either alone or together with other tonnage, if any, owned by the joint owners, to give a qualification to each of them, be apportioned equally between or among the joint owners, and each of them shall be deemed the owner of the equal share so apportioned to him; but if it is not so sufficient the whole of the tonnage shall be deemed to be owned by such one of the joint owners resident or having a place of business at the port or within seven miles thereof as is first named on the register:

(*d*) In making any such apportionment any portion of the tonnage may be struck off so as to produce a divisible amount:

(*e*) The whole amount of tonnage so owned by each person, whether in ships or shares of or interests in ships, shall be added together, and if sufficient, shall constitute his qualification.

9. The chief officer of customs in the port shall, with the assistance of the Registrar-General of Shipping and Seamen, on or before the twenty-fifth day of December in the year one thousand eight hundred and ninety-five, and in every third succeeding year, make out an alphabetical list of the persons entitled by this Act to vote at the election, containing the name and residence of each such person, and the number of votes to which he is entitled, and shall sign the list, and shall cause a sufficient number of copies thereof to be printed, and shall cause copies thereof to be fixed on or near the doors of the custom house of the port for two entire weeks next after the list has been made, and shall keep two copies of the list, and permit the same to be perused by any person, without payment, at all reasonable hours during those two weeks.

10. The mayor or provost of the port, or such of them, if more than one, as is or are for the time being so appointed as aforesaid, shall, at least twenty days before the twenty-fifth day of January one thousand eight hundred and ninety-six, and in each succeeding third year, nominate two justices of the peace (in this schedule referred to as the revisors) to revise the list.

11. The revisors shall, between the eighth and fifteenth days of January, both inclusive, in the year in which they are so nominated, revise the list at the custom house of the port, or in some convenient place near thereto, to be hired, if necessary, by the said chief officer.

12. The revisors shall give three clear days notice of the revision by advertising the same in some local newspaper, and by affixing a notice thereof on or near to the doors of the custom house.

13. The revisors shall make the revision by inserting in the list the name of every person who claims to have his name inserted therein and gives proof, satisfactory to the revisors, of his right to have his name so inserted, and by striking out therefrom the name of every person to the insertion of whose name an objection is made by

any other person named in the list who gives proof satisfactory to the revisors that the name objected to ought not to have been inserted therein.

14. The decision of the revisors with respect to every such claim or objection shall be conclusive.

15. The revisors shall, immediately after the revision, sign their names at the foot of the list so revised.

16. The list so revised shall be the register of voters at elections for three years from the twenty-fifth day of January then next ensuing inclusive to the twenty-fourth day of January inclusive in the third succeeding year.

17. The revised list, when so signed, shall be delivered to the mayor or provost as aforesaid, who shall, if necessary, cause a sufficient number of copies thereof to be printed, and shall cause a copy thereof to be delivered to every voter applying for the same.

18. The chief officer shall, if required, for the assistance of the revisors in revising the list, produce to them the books containing the register of ships registered at the port; and the Registrar-General of Shipping and Seamen, if required, shall also produce or transmit to them such certified extracts or returns from the books in his custody as may be necessary for the same purpose.

19. The revisors shall certify the expenses properly incurred by the chief officer in making and printing the list and in the revision thereof, and the Board of Trade shall pay the same, and also all expenses properly incurred by the mayor or provost in printing the same, or in any election; and the Board of Trade may disallow any items of any of those expenses in their opinion improperly incurred.

20. Every person whose name appears on the revised list and no other person, shall be qualified to vote at the election on the twenty-fifth day of January next after the revision, and at any election for a casual vacancy held at any time between that day and the next ordinary triennial election.

Qualification of Members.

21. Every male person who is, according to the revised list, entitled to a vote, shall be qualified to be elected a member, and no other person shall be so qualified; and if any person elected ceases after election to be an owner of such quantity of tonnage as would entitle him to a vote he shall no longer continue to act or be considered a member, and thereupon another member shall be elected in his place.

Application to Corporations.

22. A corporation owning a ship shall be entitled to be registered in like manner as any individual, with the substitution of the office of the corporation for the residence of the individual. The vote of such corporation shall be given by some person whom the corporation may appoint in that behalf, and that person shall be qualified to be elected a member, and if the corporation ceases after his election to be an owner of such quantity of tonnage as entitles the corporation to be registered as a voter, that person shall cease to be a member and another member shall be elected in his place.

Sect. 254.

EIGHTH SCHEDULE.

Particulars to be registered by Master of a Ship concerning a Birth at Sea.

Date of birth.

Name (if any) and sex of the child.

Name and surname, rank, profession, or occupation of the father.

Name and surname, and maiden surname of the mother.

Nationality and last place of abode of the father and mother.

Particulars to be registered by Master of a Ship concerning a Death at Sea.

Date of death.

Name and surname.

Sex.

Age.

Rank, profession, or occupation.

Nationality, and last place of abode.

Cause of death.

NINTH SCHEDULE.

PART I.

Sects. 277, 360.

Maximum Fees to be paid for Passenger Steamer's Certificate.

	£	*s.*	*d.*
For passenger steamers not exceeding 100 tons - -	4	0	0
Exceeding 100 tons and not exceeding 300 tons - -	6	0	0
Exceeding 300 tons and not exceeding 600 tons - -	8	0	0
And for every additional 300 tons above 600 an additional -	2	0	0

PART II.

Maximum Fees for Survey of Emigrant Ships.

	£	*s.*	*d.*
For an ordinary survey of the ship, and of her equipments, accommodation, stores, light, ventilation, sanitary arrangements, and medical stores - - - - -	10	0	0
For a special survey - - - - - - - -	15	0	0

Sections 292, 367.

TENTH SCHEDULE.

Regulations as to number of Persons carried on Emigrant Ships

F354**[**...**]**

Annotations

Amendments:

F354 Repealed (1.01.1908) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 85 and sch. 2, commenced as per sch. 2 and S.R. & O. 1907, No. 739, p. 674.

Modifications (not altering text):

C184 Board of Trade assigned powers in relation to schedule (1.07.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 17, in effect as per s. 86(2).

Regulations substituted for Schedules 10, 11, 12, 13, and 14 of principal Act.

17.—(1) The Board of Trade may prescribe regulations, scales, conditions, and forms in substitution for those contained in the Tenth, Eleventh, Twelfth, Thirteenth, and Fourteenth Schedules of the principal Act (which relate to the number of persons carried on emigrant ships, the accommodation for steerage passengers on emigrant ships, the provisions and water to be issued to steerage passengers on emigrant ships, the carriage of horses and cattle on emigrant ships, and the forms to be used under Part III. of that Act).

(2) Any reference in the Merchant Shipping Acts or in any other Act or document to any of those schedules shall be construed as a reference to the corresponding regulations, scales, conditions, or forms prescribed by the Board of Trade under this section.

Section 293.

ELEVENTH SCHEDULE.

Regulations as to the Accommodation fob Steerage Passengers.

F355**[**...**]**

Annotations

Amendments:

F355 Repealed (1.01.1908) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 85 and sch. 2, commenced as per sch. 2 and S.R. & O. 1907, No. 739, p. 674.

Modifications (not altering text):

C185 Board of Trade assigned powers in relation to schedule (1.07.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 17, in effect as per s. 86(2).

Regulations substituted for Schedules 10, 11, 12, 13, and 14 of principal Act.

17.—(1) The Board of Trade may prescribe regulations, scales, conditions, and forms in substitution for those contained in the Tenth, Eleventh, Twelfth, Thirteenth, and Fourteenth Schedules of the principal Act (which relate to the number of persons carried on emigrant ships, the accommodation for steerage passengers on emigrant ships, the provisions and water to be issued to steerage passengers on emigrant ships, the carriage of horses and cattle on emigrant ships, and the forms to be used under Part III. of that Act).

(2) Any reference in the Merchant Shipping Acts or in any other Act or document to any of those schedules shall be construed as a reference to the corresponding regulations, scales, conditions, or forms prescribed by the Board of Trade under this section.

Section 298.

TWELFTH SCHEDULE.

Water and Provisions.

F356**[**...**]**

Annotations

Amendments:

F356 Repealed (1.02.1908) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 85 and sch. 2, commenced as per sch. 2 and S.R. & O. 1908 No. 19, p. 636.

Modifications (not altering text):

C186 Board of Trade assigned powers in relation to schedule (1.07.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 17, in effect as per s. 86(2).

Regulations substituted for Schedules 10, 11, 12, 13, and 14 of principal Act.

17.—(1) The Board of Trade may prescribe regulations, scales, conditions, and forms in substitution for those contained in the Tenth, Eleventh, Twelfth, Thirteenth, and Fourteenth Schedules of the principal Act (which relate to the number of persons carried on emigrant ships, the accommodation for steerage passengers on emigrant ships, the provisions and water to be issued to steerage passengers on emigrant ships, the carriage of horses and cattle on emigrant ships, and the forms to be used under Part III. of that Act).

(2) Any reference in the Merchant Shipping Acts or in any other Act or document to any of those schedules shall be construed as a reference to the corresponding regulations, scales, conditions, or forms prescribed by the Board of Trade under this section.

Section 301.

THIRTEENTH SCHEDULE.

Conditions for Carriage of Horses and Cattle in Emigrant Ships.

F357**[**...**]**

Annotations

Amendments:

F357 Repealed (1.01.1908) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 85 and sch. 2, commenced as per sch. 2 and S.R. & O. 1907, No. 739, p. 674.

Modifications (not altering text):

C187 Board of Trade assigned powers in relation to schedule (1.07.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 17, in effect as per s. 86(2).

Regulations substituted for Schedules 10, 11, 12, 13, and 14 of principal Act.

17.—(1) The Board of Trade may prescribe regulations, scales, conditions, and forms in substitution for those contained in the Tenth, Eleventh, Twelfth, Thirteenth, and Fourteenth Schedules of the principal Act (which relate to the number of persons carried on emigrant ships, the accommodation for steerage passengers on emigrant ships, the provisions and water to be issued to steerage passengers on emigrant ships, the carriage of horses and cattle on emigrant ships, and the forms to be used under Part III. of that Act).

(2) Any reference in the Merchant Shipping Acts or in any other Act or document to any of those schedules shall be construed as a reference to the corresponding regulations, scales, conditions, or forms prescribed by the Board of Trade under this section.

Section 360.

FOURTEENTH SCHEDULE.

Forms under Part III (Passenger and Emigrant Ships).

F358**[**...**]**

Annotations

Amendments:

F358 Repealed (21.05.1908) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 85 and sch. 2, commenced as per sch. 2 and S.R. & O. 1908 No. 443, p. 616.

Modifications (not altering text):

C188 Board of Trade assigned powers in relation to schedule (1.07.1907) by *Merchant Shipping Act 1906* (6 Edw. 7) c. 48, s. 17, in effect as per s. 86(2).

Regulations substituted for Schedules 10, 11, 12, 13, and 14 of principal Act.

17.—(1) The Board of Trade may prescribe regulations, scales, conditions, and forms in substitution for those contained in the Tenth, Eleventh, Twelfth, Thirteenth, and Fourteenth Schedules of the principal Act (which relate to the number of persons carried on emigrant ships, the accommodation for steerage passengers on emigrant ships, the provisions and water to be issued to steerage passengers on emigrant ships, the carriage of horses and cattle on emigrant ships, and the forms to be used under Part III. of that Act).

(2) Any reference in the Merchant Shipping Acts or in any other Act or document to any of those schedules shall be construed as a reference to the corresponding regulations, scales, conditions, or forms prescribed by the Board of Trade under this section.

Section 375.

FIFTEENTH SCHEDULE.

Number and Dimensions of Boats for Fishing Boats entered in the Fishing Boat Register

F359**[**...**]**

Annotations

Amendments:

F359 Repealed (14.06.1939) by *Merchant Shipping (Amendment) Act 1939* (12/1939), s. 7, commenced on enactment.

Sect. 420.

SIXTEENTH SCHEDULE.

Maximum Fees for Inspection of Lights and Fog Signals.

	£	s.	d.
For each visit made to a ship on the application of the owner and for each visit made where the lights or fittings are found defective - - - - - -	0	10	0

Provided that the aggregate amount of fees for any such inspection shall not exceed one pound whatever may be the number of separate visits.

Sect. 429.

SEVENTEENTH SCHEDULE.

LIFE SAVING APPLIANCES.

Constitution of the Committee.

(1) Three shipowners selected by the Council of the Chamber of shipping of the United Kingdom.

(2) One shipowner selected by the Shipowners Associations of Glasgow and one shipowner selected by the Liverpool Steamship Owners Association and the Liverpool Shipowners Association conjointly.

(3) Two shipbuilders selected by the Council of the Institution of Naval Architects.

(4) Three persons practically acquainted with the navigation of vessels selected by the shipmasters societies recognised by the Board of Trade for this purpose.

(5) The persons being or having been able-bodied seamen selected by seamen's societies recognised by the Board of Trade for this purpose.

(6) Two persons selected conjointly by the Committee of Lloyd's, the Committee of Lloyd's Register Society, and the Committee of the Institute of London Underwriters.

Sect. 453.

EIGHTEENTH SCHEDULE.

Precautions as to Grain Cargo.

(1) There shall not be carried between the decks, or, if the ship has more than two decks, between the main and upper decks, any grain in bulk, except such as may be necessary for feeding the cargo in the hold, and is carried in properly constructed feeders.

(2) Where grain (except such as may be carried in properly constructed feeders) is carried in bulk in any hold or compartment, and proper provision for filling up the same by feeders is not made, not less than one fourth of the grain carried in the hold or compartment (as the case may be) shall be in bags supported on suitable platforms laid upon the grain in bulk: Provided that this regulation with respect to bags shall not apply—

(*a*) to oats, or cotton seed; nor

(*b*) to a ship which is a sailing ship of less than four hundred tons registered tonnage, and is not engaged in the Atlantic trade; nor

(*c*) to a ship laden at a port in the Mediterranean or Black Sea, if the ship is divided into compartments which are formed by substantial transverse partitions, and are fitted with longitudinal bulkheads or such shifting boards as herein-after mentioned, and if the ship does not carry more than one fourth of the grain cargo, and not more than one thousand five hundred quarters in any one compartment, bin, or division, and provided that each division of the lower hold is fitted with properly constructed feeders from the between decks; nor

(*d*) to a ship in which the grain cargo does not exceed one half of the whole cargo of the ship, and the rest of the cargo consists of cotton, wool, flax, barrels or sacks of flour, or other suitable cargo so stowed as to prevent the grain in any compartment, bin, or division from shifting.

(3) Where grain is carried in the hold or between the decks, whether in bags or bulk, the hold or the space between the decks shall be divided by a longitudinal bulkhead or by sufficient shifting boards which extend from deck to deck or from the deck to the keelson and are properly secured, and if the grain is in bulk are fitted grain-tight with proper fillings between the beams.

(4) In loading the grain shall be properly stowed, trimmed, and secured.

Sect. 558.

NINETEENTH SCHEDULE.

Part I

Statements in the Case of Salvage by Her Majesty's Ships.

(1) Particulars to be stated both by the salvor and by the master or other person in charge of the vessel, cargo, or property saved:—

(*a*) The place, condition, and circumstances in which the vessel, cargo, or property was at the time when the services were rendered for which salvage is claimed:

(*b*) The nature and duration of the services rendered.

(2) Additional particulars to be stated by the salvor:—

(*a*) The proportion of the value of the vessel, cargo, and property, and of the freight which he claims for salvage, or the values at which he estimates the vessel,

freight, cargo, and property respectively, and the several amounts that he claims for salvage in respect of the same:

(*b*) Any other circumstances which he thinks relevant to the said claim.

(3) Additional particulars to be stated by the said master or other person in charge of the said vessel, cargo, or property:—

(*a*) A copy of the certificate of registry of the said vessel, and of the endorsements thereon, stating any change which (to his knowledge or belief) has occurred in the particulars contained in the certificate; and stating also to the best of his knowledge and belief, the state of the title to the vessel for the time being, and of the incumbrances and certificates of mortgage or sale, if any, affecting the same, and the names and places of business of the owners and incumbrancers:

(*b*) The name and place of business or residence of the freighter (if any) of the said vessel, and the freight to be paid for the voyage on which she then is:

(*c*) A general account of the quantity and nature of the cargo at the time the salvage services were rendered:

(*d*) The name and place of business or residence of the owner of the cargo and of the consignee thereof:

(*e*) The values at which the master or person making the statement estimates the vessel, cargo, and property, and the freight respectively, or if he thinks fit, in lieu of the estimated value of the cargo, a copy of the vessel's manifest:

(*f*) The amounts which the master thinks should be paid as salvage for the services rendered:

(*g*) An accurate list of the property saved in cases where the vessel is not saved:

(*h*) An account of the proceeds of the sale of the vessel, cargo, or property, in cases where the same or any of them are sold at the port where the statement is made:

(*i*) The number, capacities, and condition of the crew of the vessel at the time when the services were rendered; and

(*k*) Any other circumstances he thinks relevant to the matters in question.

PART II.

SALVAGE BOND.

[*N.B.—Any of the Particulars not known, or not required, by reason of the Claim being only against the Cargo, &c., may be omitted.*]

Whereas certain salvage services are alleged to have been rendered by the vessel [*insert names of vessel and of commander*], commander, to the merchant vessel [*insert names of vessel and master*], master, belonging to [*name and place of business or residence of owner of vessel*], freighted by [*the same of the freighter*], and to tie cargo therein, consisting of [*state very shortly the descriptions and quantities of the goods, and the names and addresses of their owners and consignees*]:

And whereas the said vessel and cargo have been brought into the port of [*insert name and situation of port*], and a statement of the salvage claim has been sent to [*insert the name of the consular officer or judge of the Colonial Court of Admiralty or Vice-Admiralty Court and of the office he fills*], and he has fixed the amount to be inserted in this bond at the sum of [*state the sum*].

Now I, the said [*master ' s name*], do hereby, in pursuance of the Merchant Shipping Act, 1894, bind the several owners for the time being of the said vessel and of the cargo therein and of the freight payable in respect of that cargo and their respective heirs, executors, and administrators, to pay among them such sum not exceeding the said sum of [*state the sum fixed*], in such proportions and to such persons as [*if the parties agree on any other court, substitute the name of it here*], the High Court in England shall adjudge to be payable as salvage for the services so alleged to have been rendered as aforesaid.

In witness whereof I have hereunto set my hand and seal, this [*insert the date*] day of

Signed, sealed, and delivered by the said [*master ' s name*].

(L.S.)

In the presence of [name of consular officer or judge of the Colonial Court of Admiralty or Vice-Admiralty Court, and of the office hefills.]

Sect. 567.

TWENTIETH SCHEDULE.

Maximum Fees and Remuneration of Receivers.

	£	s.	d.
For every examination on oath instituted by a receiver with respect to any vessel which may be or may have been in distress, a fee not exceeding - - - - -	1	0	0
But so that in no case shall a larger fee than two pounds be charged for examinations taken in respect of the same vessel and the same occurrence, whatever may be the number of the deponents.			
For every report required to be sent by the receiver to the secretary of Lloyd's in London, the sum of - - -	0	10	0
For wreck taken by the receiver into his custody, a per-centage of five per cent, upon the value thereof.			
But so that in no case shall the whole amount of percentage so payable exceed twenty pounds.			
In cases where any services are rendered by a receiver, in respect of any vessel in distress, not being wreck, or in respect of the cargo or other articles belonging thereto, the following fees instead of a percentage; (that is to say,)			
If that vessel with her cargo equals or exceeds in value six hundred pounds, the sum of two pounds for the first, and the sum of one pound for every subsequent day during which the receiver is employed on that service, but if that vessel with her cargo is less in value than six hundred pounds, one moiety of the above-mentioned sum.			

Section 582.

TWENTY-FIRST SCHEDULE.

Maximum Rates of Pilotage to be Demanded and Received by qualified Pilots for piloting Ships within the under-mentioned Limits.

F360**[**...**]**

Annotations

Amendments:

F360 Repealed (1.04.1913) by *Pilotage Act 1913* (2 & 3 Geo. 5 c. 31), s. 60 and sch. 2, commenced as per s. 59.

Section 745.

TWENTY-SECOND SCHEDULE.

Repeal.

F361**[**...**]**

Annotations

Amendments:

F361 Repealed (21.12.1908) by *Statute Law Revision Act 1908* (8 Edw. 7) c. 49, s. 1 and sch., commenced on enactment.



1894 (57 & 58 Vict.) c. 60

MERCHANT SHIPPING ACT 1894

REVISED

Updated to 29 July 2025

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

Merchant Shipping Acts 1894 to 2025: this Act is one of a group of Acts included in this collective citation (*Merchant Shipping (Investigation of Marine Accidents) Act 2025* (2/2025), s. 1(2)). The Acts in this group are:

- *Merchant Shipping Act 1894* (57 & 58 Vict.) c. 60
- *Merchant Shipping Act 1897* (60 & 61 Vict.) c. 59
- *Merchant Shipping (Exemption from Pilotage) Act 1897* (60 & 61 Vict.) c. 61 *(Repealed)*
- *Merchant Shipping (Liability of Shipowners) Act 1898* (61 & 62 Vict.)) c. 14 *(Repealed)*
- *Merchant Shipping (Merchantile Marine Fund) Act 1898* (61 & 62 Vict.) c. 44
- *Merchant Shipping (Liability of Shipowners & Others) Act 1900* (63 & 64 Vict.) c. 32 *(Repealed)*
- *Merchant Shipping Act 1906* (6 Edw. 7) c. 48
- *Merchant Shipping Act 1907* (7 Edw. 7) c. 52 *(Repealed)*
- *Pilotage Act 1913* (2 & 3 Geo. 5) c. 31 *(Repealed)*
- *Merchant Shipping (Certificates) Act 1914* (4 & 5 Geo. 5) c. 42 *(Repealed)*
- *Merchant Shipping (Convention) Act 1914* (4 & 5 Geo. 5) c. 50 *(Repealed)*
- *Merchant Shipping (Salvage) Act 1916* (6 & 7 Geo. 5) c. 41 *(Repealed)*
- *Merchant Shipping (Wireless Telegraphy) Act 1919* (9 & 10 Geo. 5) c. 38 *(Repealed)*
- *Merchant Shipping (Amendment) Act 1920* (10 & 11 Geo. 5) c. 2
- *Merchant Shipping Act 1921* (11 & 12 Geo. 5) c. 28
- *Merchant Shipping (Helm Orders) Act 1932* (32/1932) *(Repealed)*
- *Merchant Shipping (International Labour Conventions) Act 1933* (29/1933)
- *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933)
- *Merchant Shipping (Amendment) Act 1939* (12/1939)
- *Merchant Shipping Act 1947* (46/1947)
- *Merchant Shipping (Safety Convention) Act 1952* (29/1952)
- *Pilotage (Amendment) Act 1962* (2/1962) *(Repealed)*
- *Merchant Shipping Act 1966* (20/1966)
- *Merchant Shipping (Load Lines) Act 1968* (17/1968)
- *Merchant Shipping (Certification of Seamen) Act 1979* (37/1979)
- *Merchant Shipping Act 1981* (33/1981)
- *Merchant Shipping (Light Dues) Act 1983* (18/1983)

- *Fisheries (Amendment) Act 1983* (27/1983), s. 8 in so far as it amends the *Merchant Shipping Act 1894* and s. 10(2) *(Repealed)*
- *Merchant Shipping Act 1992* (2/1992)
- *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993)
- *Fisheries (Amendment) Act 1994* (23/1994) *(Repealed)*
- *Merchant Shipping (Liability of Shipowners and Others) Act 1996* (35/1996)
- *Merchant Shipping (Commissioners of Irish Lights) Act 1997* (37/1997)
- *Merchant Shipping (Miscellaneous Provisions) Act 1998* (20/1998)
- *Merchant Shipping (Investigation of Marine Casualties) Act 2000* (14/2000)
- *Sea Pollution (Hazardous Substances) (Compensation) Act 2005* (9/2005), s. 28
- *Maritime Safety Act 2005* (11/2005), other than Parts 5 and 6
- *Merchant Shipping Act 2010* (14/2010), other than s. 93
- *Local Government Reform Act 2014* (1/2014), s. 1(15) and the amendment to the Merchant Shipping (Salvage and Wreck) Act 1993 provided for in s. 5(6) and Schedule 2, Part 6 (note: the reference to s. 5(6) appears to refer to s. 5(8))
- *Merchant Shipping (Registration of Ships) Act 2014* (43/2014)
- *Harbours Act 2015* (61/2015), s. 51
- *Merchant Shipping (Investigation of Marine Casualties) (Amendment) Act 2022* (8/2022)
- *Merchant Shipping (Investigation of Marine Accidents) Act 2025* (2/2025)

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *Merchant Shipping (Investigation of Marine Accidents) Act 2025* (2/2025)
- *Merchant Shipping Act 2010* (14/2010)
- *Fines Act 2010* (8/2010)
- *Arbitration Act 2010* (1/2010)
- *Statute Law Revision Act 2007* (28/2007)
- *Sea-Fisheries and Maritime Jurisdiction Act 2006* (8/2006)
- *Maritime Safety Act 2005* (11/2005)
- *Civil Registration Act 2004* (3/2004)
- *Valuation Act 2001* (13/2001)
- *Merchant Shipping (Investigation of Marine Casualties) Act 2000* (14/2000)
- *Merchant Shipping (Miscellaneous Provisions) Act 1998* (20/1998)
- *Finance Act 1998* (3/1998)
- *Criminal Law Act 1997* (14/1997)
- *Merchant Shipping (Liability of Shipowners and Others) Act 1996* (35/1996)
- *Courts and Court Officers Act 1995* (31/1995)
- *Fisheries (Amendment) Act 1994* (23/1994)
- *Merchant Shipping (Salvage and Wreck) Act 1993* (34/1993)
- *Merchant Shipping Act 1992* (2/1992)

- *Sea Pollution Act 1991* (27/1991)
- *Jurisdiction of Courts (Maritime Conventions) Act 1989* (5/1989)
- *Oil Pollution of the Sea (Civil Liability and Compensation) Act 1988* (11/1988)
- *Fisheries (Amendment) Act 1983* (27/1983)
- *Malicious Injuries Act 1981* (9/1981)
- *Merchant Shipping (Certification of Seamen) Act 1979* (37/1979)
- *Merchant Shipping (Load Lines) Act 1968* (17/1968)
- *Merchant Shipping Act 1966* (20/1966)
- *Diseases of Animals Act 1966* (6/1966)
- *Courts (Supplemental Provisions) Act 1961* (39/1961)
- *Fisheries (Consolidation) Act 1959* (14/1959)
- *Mercantile Marine Act 1955* (29/1955)
- *Arbitration Act 1954* (26/1954)
- *Consular Conventions Act 1954* (10/1954)
- *Health Act 1953* (26/1953)
- *Merchant Shipping (Safety Convention) Act 1952* (29/1952)
- *Merchant Shipping Act 1947* (46/1947)
- *Harbours Act 1946* (9/1946)
- *Merchant Shipping (Amendment) Act 1939* (12/1939)
- *Air Navigation and Transport Act 1936* (40/1936)
- *Workmen's Compensation Act 1934* (9/1934)
- *Merchant Shipping (Safety and Load Line Conventions) Act 1933* (42/1933)
- *Merchant Shipping (International Labour Conventions) Act 1933* (29/1933)
- *Merchant Shipping Act 1921*(11 & 12 Geo. 5) c. 28
- *Employment of Women, Young Persons, and Children Act 1920* 1920 (10 & 11 Geo. 5) c. 65
- *Savings Banks Act 1920* 1920 (10 & 11 Geo. 5) c. 12
- *Merchant Shipping (Amendment) Act 1920* 1920 (10 & 11 Geo. 5) c. 2
- *Pilotage Act 1913*1913 (2 & 3 Geo. 5) c. 31
- *Maritime Conventions Act 1911* 1911 (1 & 2 Geo. 5) c. 57
- *Merchant Shipping (Stevedores and Trimmers) Act 1911* 1911 (1 & 2 Geo. 5) c. 41
- *Merchant Shipping (Seamen's Allotment) Act 1911* 1911 (1 & 2 Geo. 5) c. 8
- *Statute Law Revision Act 1908* 1908 (8 Edw. 7) c. 49
- *Merchant Shipping Act 1906* 1906 (6 Edw. 7) c. 48
- *Shipowners' Negligence (Remedies) Act 1905* 1905 (5 Edw. 7) c. 10
- *Merchant Shipping (Mercantile Marine Fund) Act 1898* 1898 (61 & 62 Vict.) c. 44
- *Merchant Shipping Act 1897* 1897 (60 & 61 Vict.) c. 59

All Acts up to and including *Statute Law Revision Act 2025* (10/2025), enacted 23 July 2025, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Merchant Shipping (Cargo Ship Safety Equipment Survey) Regulations 2025* (S.I. No. 381 of 2025)
- *European Union (International Labour Organisation Work in Fishing Convention) (Crew List and Fisherman's Work Agreement) Regulations 2020* (S.I. No. 333 of 2020)
- *Merchant Shipping (Maritime Labour Convention) (Accommodation, Recreational Facilities, Food, Catering and Ships' Cooks) Regulations 2014* (S.I. No. 374 of 2014)
- *Merchant Shipping (Collision Regulations) (Ships and Water Craft on the Water) Order 2012* (S.I. No. 507 of 2012)
- *Merchant Shipping (Fees) Regulations 2010* (S.I. No. 595 of 2010)
- *Merchant Shipping (Fees) Order 2010* (S.I. No. 594 of 2010)
- *Merchant Shipping (Registry, Lettering and Numbering of Fishing Boats) Regulations 2005* (S.I. No. 261 of 2005)
- *Collision Regulations (Ships and Water Craft on The Water) (Amendment) Order 2005* (S.I. No. 47 of 2005)
- *Merchant Shipping (Registry, Lettering and Numbering of Fishing Boats) (Amendment) Regulations 2001* (S.I. No. 411 of 2001)
- *Merchant Shipping (Life-Saving Appliances) (Amendment) Rules 1999* (S.I. No. 368 of 1999)
- *Merchant Shipping (Fees) Order 1998* (S.I. No. 475 of 1998)
- *Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Regulations 1998* (S.I. No. 551 of 1998)

- *Merchant Shipping (Registry, Lettering and Numbering of Fishing Boats) Regulations 1997* (S.I. No. 294 of 1997)
- *Merchant Shipping (Recognition of British Certificates of Competency) Order 1995* (S.I. No. 228 of 1995)
- *Merchant Shipping (Cargo Ship Safety Equipment Survey) (Amendment) Rules 1994* (S.I. No. 29 of 1994)
- *Merchant Shipping (Life-Saving Appliances) Rules, 1983 (Amendment) (No. 2) Rules 1993* (S.I. No. 382 of 1993)
- *Merchant Shipping (Life-Saving Appliances) Rules, 1983 (Amendment) Rules 1993* (S.I. No. 381 of 1993)
- *Merchant Shipping (Life-Saving Appliances) Rules 1993* (S.I. No. 380 of 1993)
- *Collision Regulations (Ships and Water Craft on The Water) (Amendment) Order 1993* (S.I. No. 287 of 1993)
- *Merchant Shipping (Pilot Ladders and Hoists) Rules 1993* (S.I. No. 55 of 1993)
- *Merchant Shipping (Musters and Training) (Amendment) Rules 1993* (S.I. No. 7 of 1993)
- *Merchant Shipping (Emergency Information for Passengers) Rules 1992* (S.I. No. 392 of 1992)
- *Merchant Shipping (Passenger Counting anf Recording Systems) Rules 1992* (S.I. No. 390 of 1992)
- *Merchant Shipping (Fire Protection) (Amendment) Rules 1990* (S.I. No. 86 of 1990)
- *Merchant Shipping (Musters and Training) Rules 1990* (S.I. No. 85 of 1990)
- *Collision Regulations (Ships and Water Craft on The Water) (Amendment) Order 1990* (S.I. No. 36 of 1990)
- *Merchant Shipping (Registry, Lettering and Numbering of Fishing Boats) Regulations 1989* (S.I. No. 344 of 1989)
- *Merchant Shipping (Certification of Marine Engineer Officers and Marine Engine Operators) Regulations 1988* (S.I. No. 369 of 1988)
- *Merchant Shipping (Certification of Deck Officers) Regulations 1988* (S.I. No. 368 of 1988)
- *Fishing Vessels (Certification of Deck Officers and Engineer Officers) Regulations 1988* (S.I. No. 289 of 1988)
- *Merchant Shipping (Fire Protection) Rules 1985* (S.I. No. 279 of 1985)
- *Merchant Shipping (Fire Appliances) (Post 1980 Ships) (Amendment) Rules 1985* (S.I. No. 278 of 1985)
- *Merchant Shipping (Fire Appliances) (Amendment) Rules 1985* (S.I. No. 277 of 1985)
- *Merchant Shipping (Medical Examinations) Regulations 1984* (S.I. No. 193 of 1984)
- *Merchant Shipping (Certificates of Proficiency in Survival Craft) Regulations 1984* (S.I. No. 191 of 1984)
- *Merchant Shipping (Certification and Watchkeeping) Regulations 1984* (S.I. No. 187 of 1984)
- *Collision Regulations (Ships and Water Craft on The Water) Order 1984* (S.I. No. 29 of 1984)
- *Merchant Shipping (Musters) Rules 1983* (S.I. No. 316 of 1983)
- *Merchant Shipping (Pilot Ladders and Hoists) Rules 1983* (S.I. No. 314 of 1983)
- *Merchant Shipping (Cargo Ship Safety Equipment Survey) Rules 1983* (S.I. No. 312 of 1983)
- *Merchant Shipping (Radio Installations) Rules 1983* (S.I. No. 308 of 1983)
- *Merchant Shipping (Fire Appliances - Application To Other Ships) Rules 1983* (S.I. No. 305 of 1983)
- *Merchant Shipping (Fire Appliances) (Amendment) Rules 1983* (S.I. No. 304 of 1983)
- *Merchant Shipping (Fire Appliances) (Post-1980 Ships) Rules 1983* (S.I. No. 303 of 1983)
- *Merchant Shipping (Life-Saving Appliances) Rules 1983* (S.I. No. 302 of 1983)
- *Merchant Shipping Act 1894 (Adaptation) Order 1983* (S.I. No. 223 of 1983)
- *Merchant Shipping (Life-Saving Appliances) (Amendment) Rules 1978* (S.I. No. 216 of 1978)
- *Collision Regulations (Ships and Water Craft on the Water) Order 1977* (S.I. No. 229 of 1977)
- *Collision Regulations (Ships and Seaplanes on The Water) (Amendment) Order 1975* (S.I. No. 253 of 1975)
- *Merchant Shipping (Pilot Ladders) (Amendment) Rules 1972* (S.I. No. 223 of 1972)
- *Merchant Shipping (Life-Saving Appliances) (Amendment) Rules 1972* (S.I. No. 178 of 1972)
- *Collision Regulations (Ships and Seaplanes on The Water) (Amendment) Order 1968* (S.I. No. 18 of 1968)

- *Merchant Shipping (Pilot Ladders) Rules 1967* (S.I. No. 107 of 1967)
- *Merchant Shipping (Musters) Rules 1967* (S.I. No. 106 of 1967)
- *Merchant Shipping (Radio) Rules 1967* (S.I. No. 103 of 1967)
- *Merchant Shipping (Fire Appliances) Rules 1967* (S.I. No. 101 of 1967)
- *Merchant Shipping (Life-Saving Appliances) Rules 1967* (S.I. No. 100 of 1967)
- *Collision Regulations (Ships and Seaplanes on The Water) Order 1965* (S.I. No. 185 of 1965)
- *Merchant Shipping Act, 1894 (Exemption of Certain Trawlers From Section 413 (1)) Order 1960* (S.I. No. 124 of 1960)
- *Merchant Shipping (Life-Saving Appliances) Rules 1960* (S.I. No. 29 of 1960)
- *Merchant Shipping (Fees) Order 1954* (S.I. No. 267 of 1954)
- *Collision Regulations (Ships and Seaplanes on The Water) Order 1953* (S.I. No. 399 of 1953)
- *Merchant Shipping Act 1894 (Adaptation) Order 1953* (S.I. No. 398 of 1953)
- *Merchant Shipping (Life-Saving and Fire Appliances) Rules 1953* (S.I. No. 341 of 1953)
- *Merchant Shipping (Fees) Order, 1940 (Amendment) Order 1949* (S.I. No. 236 of 1949)
- *Merchant Shipping (Life-Saving Appliances) (Amendment) Rules 1947* (S.R. & O. No. 267 of 1947)
- *Merchant Shipping (Fees) Order 1940* (S.R. & O. No. 36 of 1940)
- *Merchant Shipping (Life-Saving Appliances) Rules 1938* (S.R. & O. No. 155 of 1938)
- *Merchant Shipping Safety (Load Line) Regulations 1930* (S.R. & O. No. 84 of 1930)
- *Merchant Shipping (Fees) Order 1929 dated 21 March 1929* (unnumbered)
- *Merchant Shipping Act 1894 Adaptation Order 1927* (S.R. & O. No. 80 of 1927)
- *Merchant Shipping Act 1894 Adaptation (No. 2) Order 1927* (S.R. & O. No. 106 of 1927)
- *Merchant Shipping (Registry, Lettering and Numbering of Fishing Boats) (Regulations) Order 1927* (S.R. & O. No. 105 of 1927)
- *Merchant Shipping (Fees) Order No. 2 1925* (unnumbered)
- *Merchant Shipping (Fees) Order 1925 dated 6 April 1925* (Unnumbered)
- *Merchant Shipping (Registry, Lettering and Numbering of Fishing Boats) (Regulations) Order in Council dated 14 October 1913* (unnumbered)
- *Merchant Shipping (Registry, Lettering and Numbering of Fishing Boats) (Regulations) Order in Council dated 23 October 1905* (unnumbered)
- *Merchant Shipping (Registry, Lettering and Numbering of Fishing Boats) (Regulations) Order in Council dated 24 October 1904* (unnumbered)
- *Merchant Shipping (Registry, Lettering and Numbering of Fishing Boats) (Regulations) Order in Council dated 24 March 1902* (unnumbered)
- *Merchant Shipping (Pilot Signals) Order in Council dated 29 June 1900* (unnumbered)

All statutory instruments up to and including *Merchant Shipping (Cargo Ship Safety Equipment Survey) Regulations 2025* (S.I. No. 381 of 2025), made 29 July 2025, were considered in the preparation of this revision.