



Merchant Shipping Act 1906

1906 CHAPTER 48 6 Edw 7

An Act to amend the Merchant Shipping Acts 1894 to 1900. [21st December 1906]

Modifications etc. (not altering text)

- C1 Power to adapt provisions of Act conferred by [Merchant Shipping Act 1970 \(c. 36\), s. 90](#)
- C2 Functions of Board of Trade now exercisable by Secretary of State by virtue of [S.I. 1970/1537, art. 2](#) and [S.I. 1983/1127, art. 2\(4\)](#)
- C3 Act amended by [S.I. 1983/708, regs. 1\(3\)\(4\)\(b\), 2](#)
- C4 Act modified by [Merchant Shipping Act 1988 \(c. 12, SIF 111\), s. 47\(2\)\(b\)](#) (with [s. 58\(4\)](#), [Sch. 8 para. 1](#)) and by [S.I. 1989/1991, art. 10](#)
- C5 Act excluded by [S.I. 1989/1991, arts. 11–14](#)

PART I

SAFETY

1^{F1}

Textual Amendments

- F1 [S. 1](#) repealed by [Merchant Shipping \(Safety and Load Line Conventions\) Act 1932 \(c. 9\), Sch. 4 Pt. II](#)

^{F2}2

Textual Amendments

- F2 [S. 2](#) repealed (1.5.1994) by [1993 c. 22, s. 8\(4\), Sch. 5 Pt.II](#); [S.I. 1993/3137, art. 3\(2\), Sch.2.](#)

Status: Point in time view as at 01/05/1994.

Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1906. (See end of Document for details)

3, 4. F3

Textual Amendments

F3 Ss. 3, 4 repealed by Merchant Shipping (Safety Convention) Act 1949 (c. 43), Sch. 3

5 F4

Textual Amendments

F4 S. 5 repealed by Statute Law Revision Act 1927 (c. 42)

F5 6

Textual Amendments

F5 S. 6 repealed (1.5.1994) by 1993 c. 22, s. 8(4), Sch. 5 Pt.II; S.I. 1993/3137, art. 3(2), Sch.2.

7, 8. F6

Textual Amendments

F6 Ss. 7, 8 repealed by Merchant Shipping (Safety and Load Line Conventions) Act 1932 (c. 9), Sch. 4 Pt. II

9 F7

Textual Amendments

F7 S. 9 repealed by Merchant Shipping Act 1970 (c. 36), Sch. 5

10 F8

Textual Amendments

F8 S. 10 repealed by Merchant Shipping (Safety and Load Line Conventions) Act 1932 (c. 9), Sch. 4 Pt. II

11 F9

Status: Point in time view as at 01/05/1994.

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Textual Amendments

F9 S. 11 repealed by [Merchant Shipping \(Safety Convention\) Act 1949 \(c. 43\)](#), [Sch. 3](#)

12 **F10**

Textual Amendments

F10 Ss. 12, 14, 17–20, 23–26, 28–43, 45–48 repealed by [Merchant Shipping Act 1970 \(c. 36\)](#), [Sch. 5](#)

PART II

PASSENGER AND EMIGRANT SHIPS

13 Inclusion of foreign steamships as passenger steamers.

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.

F11 **14**

Textual Amendments

F11 Ss. 12, 14, 17-20, 23-26, 28-43, 45-48 repealed by [Merchant Shipping Act 1970 \(c. 36\)](#), [Sch. 5](#)

F12 **15**

Textual Amendments

F12 S. 15 repealed (1.5.1994) by [1993 c. 22, s. 8\(4\)](#), [Sch. 5 Pt.II](#); [S.I. 1993/3137, art. 3\(2\)](#), [Sch.2](#).

F13 **16**

Textual Amendments

F13 S. 16 repealed (1.5.1994) by [1993 c. 22, s. 8\(4\)](#), [Sch. 5 Pt.II](#); [S.I. 1993/3137, art. 3\(2\)](#), [Sch.2](#).

17— **F14**

20.

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Textual Amendments

F14 Ss. 12, 14, 17–20, 23–26, 28–43, 45–48 repealed by [Merchant Shipping Act 1970 \(c. 36\)](#), **Sch. 5**

21 Penalty on master or owner for non-compliance with provisions as to passenger steamers.

If the provisions of the Merchant Shipping Acts which require a passenger steamer to be surveyed and to have a passenger steamer’s certificate are not complied with in the case of any such steamer, the master or owner of the steamer shall, without prejudice to any other remedy or penalty under the Merchant Shipping Acts, be liable on summary conviction to a fine not exceeding ten pounds for every passenger carried from or to any place in the United Kingdom, and the master or owner of any tender by means of which passengers are taken on board or landed from any such steamer shall be liable to a like penalty for every passenger so taken on board or landed.

Modifications etc. (not altering text)

C6 S. 21 amended by [Merchant Shipping \(Load Lines\) Act 1967 \(c. 27, SIF 111\)](#), s. 25, **Sch. 1** and [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. **49(1)**

22 Overcrowding of passenger steamers.

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.

23, 24. ^{F15}

Textual Amendments

F15 Ss. 12, 14, 17–20, 23–26, 28–43, 45–48 repealed by [Merchant Shipping Act 1970 \(c. 36\)](#), **Sch. 5**

PART III

SEAMEN’S FOOD

25, 26. ^{F16}

Textual Amendments

F16 Ss. 12, 14, 17–20, 23–26, 28–43, 45–48 repealed by [Merchant Shipping Act 1970 \(c. 36\)](#), **Sch. 5**

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^{F17} 27

Textual Amendments

F17 S. 27 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, art. 3(2), **Sch.2**.

PART IV

**PROVISIONS AS TO RELIEF AND REPATRIATION OF
DISTRESSED SEAMEN, AND SEAMEN LEFT BEHIND ABROAD**

28— ^{F18}
43.

Textual Amendments

F18 Ss. 12, 14, 17–20, 23–26, 28–43, 45–48 repealed by Merchant Shipping Act 1970 (c. 36), **Sch. 5**

^{F19} 44

Textual Amendments

F19 S. 44 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, art. 3(2), **Sch.2**.

45— ^{F20}
48.

Textual Amendments

F20 Ss. 12, 14, 17–20, 23–26, 28–43, 45–48 repealed by Merchant Shipping Act 1970 (c. 36), **Sch. 5**

^{F21} 49

Textual Amendments

F21 S. 49 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, art. 3(2), **Sch.2**.

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PART V

MISCELLANEOUS

^{F22}**50**

Textual Amendments
F22 S. 50 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I. 1993/3137, art. 3(1), **Sch.1**.

51 ^{F23}

Textual Amendments
F23 S. 51 repealed by Merchant Shipping Act 1988 (c. 12, SIF 111), s. 57(4)(5), Schs. 6, 7, (with s. 58(4), Sch. 8 para. 1)

52 ^{F24}

Textual Amendments
F24 S. 52 repealed by Merchant Shipping Act 1988 (c. 12, SIF 111), ss. 48, 57(5), Schs. 5, 7, (with s. 58(4), Sch. 8 para. 1)

^{F25}**53** **Amendment of 57 & 58 Vict, c. 60. s. 48.**
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Textual Amendments
F25 S. 53 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I. 1993/3137, art. 3(1), **Sch.1**.

54— ^{F26}

55.

Textual Amendments
F26 Ss. 54, 55 repealed by Merchant Shipping Act 1965 (c. 47), **Sch. 2**

[^{F27}**56** **Secound mate certificates allowed in small foreign-going sailing ships.**

The following paragraph shall be substituted for paragraph (b) of subsection (1) of section ninety-two of the principal Act (which relates to the certificates of competency to be held by officers of ships):—

Status: Point in time view as at 01/05/1994.

Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1906. (See end of Document for details)

- “(b) If the ship is of one hundred tons burden or upwards with at least one officer besides the master holding a certificate not lower than that of—
- (i) mate in the case of a home trade passenger ship;
 - (ii) second mate in the case of a foreign-going sailing ship of not more than two hundred tons burden ; and
 - (iii) only mate in the case of any other foreign-going ship.”]

Textual Amendments

F27 S. 56 repealed by [Merchant Shipping Act 1970 \(c. 36, SIF 111\)](#), [Sch. 5](#) except to the extent (see [S.I. 1981/1186](#), Sch. Appendix) that section 56 applies in relation to British ships registered outside the United Kingdom

Modifications etc. (not altering text)

C7 The text of s. 56 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

57 **F28**

Textual Amendments

F28 S. 57 repealed by [Merchant Shipping Act 1970 \(c. 36\)](#), [Sch. 5](#)

F29 **58**

Textual Amendments

F29 S. 58 repealed (1.5.1994) by [1993 c. 22, s. 8\(4\)](#), [Sch. 5 Pt.II](#); [S.I. 1993/3137](#), art. 3(2), [Sch.2](#).

59— **F30**

63.

Textual Amendments

F30 Ss. 59–63, 65 repealed by [Merchant Shipping Act 1970 \(c. 36\)](#), [Sch. 5](#)

64 **F31**

Textual Amendments

F31 S. 64 repealed by [Merchant Shipping Act 1970 \(c. 36\)](#), s. 101(4), [Sch. 5](#)

65 **F32**

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Textual Amendments

F32 Ss. 59–63, 65 repealed by [Merchant Shipping Act 1970 \(c. 36\)](#), **Sch. 5**

66–68 **F33**

Textual Amendments

F33 SS. 66–68 repealed by [Merchant Shipping Act 1970 \(c. 36\)](#), s. 101(4), **Sch. 5**

69 **F34**

Textual Amendments

F34 S. 69 repealed by [Merchant Shipping Act 1984 \(c. 5, SIF 111\)](#), s. 14(3)(4), **Sch. 2**

70, 71. **F35**

Textual Amendments

F35 Ss. 70, 71 repealed by [Merchant Shipping \(Liability of Shipowners and Others\) Act 1958 \(c. 62\)](#), **Sch.**

72 Delivery of wreck to receiver.

Section five hundred and eighteen of the principal Act shall apply to wreck found or taken possession of outside the limits of the United Kingdom, and brought within the limits of the United Kingdom, as it applies to wreck found or taken possession of within the limits of the United Kingdom.

73 **F36**

Textual Amendments

F36 S. 73 repealed by [Pilotage Act 1913 \(2 & 3 Geo. 5 c. 31\)](#), s. 60, **Sch. 2**

74 **F37**

Textual Amendments

F37 S. 74 repealed by [Merchant Shipping Act 1970 \(c. 36\)](#), **Sch. 5**

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75 Substitution of ship surveyor for shipwright surveyor.

- (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.

76 Return to be furnished by masters of ships as to passengers.

- (1) The master of every ship, whether a British or foreign ship, which carries any passenger to a place in the United Kingdom from any place out of the United Kingdom, or from any place in the United Kingdom to any place out of the United Kingdom, shall furnish to such person and in such manner as the Board of Trade direct a return giving the total number of any passengers so carried, distinguishing, if so directed by the Board, the total number of any class of passengers so carried, and giving, if the Board of Trade so direct, such particulars with respect to passengers as may be for the time being required by the Board.
- (2) Any passenger shall furnish the master of the ship with any information required by him for the purpose of the return.
- (3) If the master of a ship fails to make a return as required by this section, or makes a false return, and if any passenger refuses to give any information required by the master of the ship for the purpose of the return required by this section [^{F38}, for that purpose, gives to the master information which he knows to be false or recklessly gives to him information which is false], the master or passenger shall be liable for each offence on summary conviction to a fine [^{F39}not exceeding [^{F40}fifty pounds][^{F40}level 2 on the standard scale]in the case of a failure or refusal and [^{F41}two hundred pounds][^{F41}level 3 on the standard scale]in the case of a false return or false information].

Textual Amendments

F38 Words in s. 76(3) substituted (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para.15**; S.I. 1993/3137, art. 3(2), **Sch.2**.

F39 Words substituted by **Merchant Shipping Act 1979 (c. 39)**, s. 43(6), **Sch. 6 Pt. VI para. 13**

F40 Words level 2 on the standard scale substituted (E.W.S.) for fifty pounds by virtue of (E.W.) **Criminal Justice Act 1982 (c. 48, SIF 39:1)**, s. 46 and (S.) **Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1)**, s. 289G

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F41 Words level 3 on the standard scale substituted (E.W.S.) for two hundred pounds by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G

F42~~77~~

Textual Amendments

F42 S. 77 repealed (1.5.1994) by 1993 c. 22, s. 8(4), Sch. 5 Pt.II; S.I. 1993/3137, art. 3(2), Sch.2.

78 Dispensing powers of the Board of Trade.

- (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 prescribed 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.

79 Power to appoint advisory committees.

- (1) The Board of Trade may, if they think fit, appoint committees for the purpose of advising them when considering the making or alteration of any rules, regulations, or scales for the purpose of the Merchant Shipping Acts, consisting of such persons as they may appoint representing the interests principally affected, or having special knowledge of the subject matter.
- (2) There shall be paid to the members of any such committee, out of moneys provided by Parliament, such travelling and other allowances as the Board of Trade fix with the consent of the Treasury.
- (3) Committees may be appointed under this section to advise the Board of Trade specially as regards any special rules, regulations, or scales, or generally as regards any class or classes of rules, regulations, or scales which the Board may assign to them.

80 Power to register Government ships under the Merchant Shipping Acts.

- (1) His Majesty may by Order in Council make regulations with respect to the manner in which Government ships may be registered as British ships [^{F43}in the United Kingdom under the Merchant Shipping (Registration, etc.) Act 1993, and the Merchant Shipping Acts,] subject to any exceptions and modifications which may be made by Order in Council, either generally or as respects any special class of Government ships, shall apply to Government ships registered in accordance with those regulations as if they were registered [^{F43}in accordance with that Act].

Status: Point in time view as at 01/05/1994.

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- (2) Nothing in this Act shall affect the powers of the Legislature of any British possession to regulate any Government ships under the control of the Government of that possession.
- (3) In this section the expression Government ships means ships not forming part of His Majesty's Navy which belong to His Majesty, or are held by any person on behalf of or for the benefit of the Crown, and for that reason cannot be registered under the principal Act.

Textual Amendments

F43 Words in s. 80(1) substituted (21.3.1994) by 1993 c. 22, ss. 8(1), 10(2), **Sch. 2 para. 3(a)(b)**.

81 **F44**

Textual Amendments

F44 S. 81 repealed by **Merchant Shipping Act 1970 (c. 36)**, s. 101(4), **Sch. 5**

82 **Amendment of procedure in Scotland.**

The principal Act in its application to Scotland, is amended as follows:—

- (1) **F45**
- (2) **F46**
- (3) . . . **F47** every offence referred to in section seven hundred and two of the principal Act may be prosecuted by indictment.
- (4) **F48**

Textual Amendments

F45 S. 82(1) repealed by **Merchant Shipping Act 1970 (c. 36)**, **Sch. 5**

F46 S. 82(2) repealed by **Merchant Shipping Act 1979 (c. 39)**, **Sch. 7 Pt. II**

F47 Words repealed by **Statute Law Revision Act 1927 (c. 42)**

F48 S. 82(4) repealed by **Statute Law Revision Act 1927 (c. 42)**

83 **F49**

Textual Amendments

F49 s. 83 repealed by **Merchant Shipping Act 1988 (c. 12, SIF 111)**, s. 57(5), **Sch. 7**, (with s. 58(4), Sch. 8 para. 1)

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PART VI

SUPPLEMENTAL

84 Construction of references to Merchant Shipping Acts.

- (1) In this Act the expression principal Act means the ^{M1}Merchant Shipping Act 1894, and the expression Merchant Shipping Acts means the Merchant Shipping Acts 1894 to 1900, and this Act.
- (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.

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Marginal Citations

M1 [1894 c. 60.](#)

85 ^{F50}

.....

Textual Amendments

F50 [Ss. 85, 86\(2\)](#) repealed by [Statute Law Revision Act 1927 \(c. 42\)](#)

86 †Short title and commencement.

- (1) This Act may be cited as the Merchant Shipping Act 1906, and shall be construed as one with the principal Act, and the Merchant Shipping Acts 1894 to 1900, and this Act may be cited together as the Merchant Shipping Acts 1894 to 1906.
- (2) ^{F51}

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Textual Amendments

F51 [Ss. 85, 86\(2\)](#) repealed by [Statute Law Revision Act 1927 \(c. 42\)](#)

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Modifications etc. (not altering text)

C8 Unreliable marginal note

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F52F52 SCHEDULE 1

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Textual Amendments

F52 Sch. 1 repealed by [Merchant Shipping Act 1970 \(c. 36\)](#), **Sch. 5**

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F52

F53F53 SCHEDULE 2

.....
Textual Amendments

F53 Sch. 2 repealed by [Statute Law Revision Act 1927 \(c. 42\)](#)

.....
F53

Status:

Point in time view as at 01/05/1994.

Changes to legislation:

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