



Merchant Shipping Act 1906

1906 CHAPTER 48

PART I

SAFETY

1 Application, of British load-line provisions to foreign ships

Sections four hundred and thirty-seven to four hundred and forty-three of the principal Act (which relate to load-line) except subsections (3) and (4) of section four hundred and forty, shall, after the appointed day, apply to all foreign ships while they are within any port in the United Kingdom, as they apply to British ships, without prejudice—

- (a) to the power of His Majesty previously to apply those provisions to the ships of any foreign country, if the Government of that country so desire, under section seven hundred and thirty-four of the principal Act ; and
- (b) to any direction of His Majesty in Council given under section four hundred and forty-five of the principal Act in the case of ships of any foreign country in which the regulations in force relating to overloading and improper loading are equally effective with the provisions of the principal Act.

2 Detention of foreign ships when unsafe owing to defective equipment, &c

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.

3 Loading of grain cargoes on foreign ships

- (1) After the first day of October one thousand nine hundred and seven, sections four hundred and fifty-two and four hundred and fifty-five of the principal Act shall apply to a foreign ship which loads a grain cargo in the United Kingdom so long as the ship is within a port in the United Kingdom.
- (2) If, after the first day of October one thousand nine hundred and seven, a foreign ship laden with grain cargo arrives at any port in the United Kingdom, having the grain cargo so loaded that the master of the ship, if the ship were a British ship, would be liable to a penalty under the provisions of Part V. of the principal Act relating to the carriage of grain, the master of that foreign ship shall be liable to a fine not exceeding three hundred pounds.
- (3) After the first day of October one thousand nine hundred and seven section four hundred and fifty-five of the principal Act shall apply to a foreign ship laden with grain which discharges all or any part of her cargo at any port in the United Kingdom so long as the ship is within a port in the United Kingdom.
- (4) The provisions of section four hundred and fifty-four of the principal Act, so far as that section provides for the delivery of the notice mentioned therein to the proper officer of customs in the United Kingdom, shall apply to all foreign ships laden with grain cargo arriving at a port in the United Kingdom after the date aforesaid, and the master of the ship shall be liable accordingly.

4 Power to apply rules as to life-saving appliances to foreign ships in certain cases

Sections four hundred and twenty-seven to four hundred and thirty-one of the principal Act relating to life-saving-appliances shall, after the appointed day, apply to all foreign ships while they are within any port of the United Kingdom as they apply to British ships :

Provided that His Majesty may by Order in Council direct that those provisions shall not apply to any ship of a foreign country in which the provisions in force relating to life-saving appliances appear to His Majesty to be as effective as the provisions of Part V. of the principal Act, on proof that those provisions are complied with in the case of that ship.

5 Appointed Day

For the purposes of this Part of this Act the appointed day shall be the first day of January nineteen hundred and nine, or such other day not being more than twelve months later, as the Board of Trade may appoint; and different days may be appointed for different provisions of this Part of this Act, and for different foreign countries.

6 Saving for ship coming in under stress of weather, &c

Nothing in the foregoing provisions of this Part of this Act shall affect any foreign ship not bound to a port of the United Kingdom which comes into any port of the United Kingdom for any purpose other than the purpose of embarking or landing passengers, or taking in or discharging cargo or" taking in bunker coal.

7 Coasting steamships not to be exempt from load-line provisions

The exemption of ships under eighty tons register-; employed solely in the coasting trade under sections /four hundred and thirty-seven and four hundred and thirty-eight of the principal Act (which relate to the marking of deck lines and load-lines) shall cease so far as respects steamships :

Provided that the Board of Trade may except from the provisions of this section any class of steamships, so long as they do not carry cargo, and the provisions of this section shall not apply to any steamship belonging to any class so excepted.

8 Extension of provisions as to the time of marking load-line

- (1) Section four hundred and forty of the principal Act (which relates to the time for marking load-lines) shall apply to all British foreign-going ships, and, so far as it is applied, by this Act to foreign ships, to all foreign foreign-going ships, whether the owner is required to enter the ship outwards or not:
- (2) In the case of a ship which the owner is not required to enter outwards—
 - (a) the disc indicating the load-line shall be marked before clearance for the ship is demanded ;
 - (b) the master shall prepare a statement similar to that required to be inserted in the form of entry under subsection (2) of the said section four hundred and forty, and in the case of a British ship shall enter a copy of the statement in the agreement with the crew and in the official log-book,-, and subsections (3) and (4) of that section shall apply accordingly ;
 - (c) the master shall" deliver a copy of the statement to the officer of customs, from whom a clearance for the ship is demanded, and a clearance shall not be granted until the statement is so delivered.
- (3) Where the certificate referred, to in subsection (4) of section four hundred and forty-three of the principal Act (which relates to regulations as to load-line) is required to be delivered, the provisions of this section as to the statement to be prepared by the master shall not take effect.
- (4) For the purpose of providing for an alteration of marks during a voyage, subsection (5) of section four hundred and forty of the principal Act shall be read as if the words " or, if " the mark has been altered abroad in accordance with regulations made by the Board of Trade for the purpose, marked " with the mark as so altered " were added after the words " so marked, " and subsection (2) of section four hundred and forty-three of the principal Act shall be read as if the purposes for which regulations may be made under that section included provision for the alteration of marks on ships abroad.

9 Entry in log-book of boat drill, &c

- (1) The master of every British ship shall enter or cause to be entered in the official log-book, a statement, or if there is no official log-book, cause a record to be kept, of every occasion on which boat drill is practised on board the ship, and on which the life-saving appliances on board the ship have been examined for the purpose of seeing that those appliances are fit and ready for use.
- (2) The master shall, if and when required by any officer of the Board of Trade, produce for inspection any record kept by him for the purposes of this section.

- (3) If the master of a ship fails to comply with any requirement of this section, he shall be liable on summary conviction for each offence to a fine not exceeding ten pounds.

10 Loading of timber

- (1) If a ship, British or foreign, arrives between the last day of October and the sixteenth day of April in any year at any port in the United Kingdom from any port out of the United Kingdom, carrying any heavy or light wood goods as deck cargo (except under the conditions allowed by this section), the master of the ship, and also the owner, if he is privy to the offence, shall be liable to a fine not exceeding five pounds for every hundred and fifty cubic feet of space in which wood goods are carried in contravention of this section.
- (2) The conditions under which heavy wood goods may be carried as deck cargo are as follows :—
- (a) that they must only be carried in covered spaces ; and
 - (b) that they must be carried only in such class of ships as may be approved by the Board of Trade for the purpose; and
 - (c) that they must be loaded in accordance with regulations made by the Board of Trade with respect to the loading thereof.
- (3) The conditions under which light wood goods may be carried as deck cargo are as follows:—
- (a) Each unit of the goods must be of a cubic capacity not greater than fifteen cubic feet; and
 - (b) The height above the deck to which the goods are carried must not exceed—
 - (i) in the case of an uncovered space on a deck forming the top of a break, poop, or other permanent closed-in space on the upper deck, three feet above the top of that closed-in space ; and
 - (ii) in the case of an uncovered space, not being a space forming the top of any permanent closed-in space on the upper deck or a space forming the top of a covered space, the height of the main rail, bulwark, or plating, or one-fourth of the inside breadth of the ship, or seven feet, whichever height is the least; and
 - (iii) in the case of a covered space the full height of that space.
 - (c) Regulations may be made by the Board of Trade for the protection of seamen from any risk arising from the carriage of the goods in any uncovered space to the height allowed under this section, and those regulations must be complied with on the ship.
- (4) A master or owner shall not be liable to any fine under this section—
- (a) in respect of any wood goods which the master has considered it necessary to place or keep on deck during the voyage on account of the springing of any leak, or of any other damage to the ship received or apprehended; or
 - (b) if he proves that the ship sailed from the port at which the wood goods were loaded as deck cargo at such time before the last day of October as allowed a sufficient interval according to the ordinary duration of the voyage for the ship to arrive before that day at the said port in the United Kingdom, but was prevented from so , arriving by stress of weather or circumstances beyond his control; or

- (c) if he proves that the ship sailed from the port at which the wood goods were loaded as deck cargo at such time before the sixteenth day of April as allowed a reasonable interval according to the ordinary duration of the voyage for the ship to arrive after that day at the said port in the United Kingdom, and by reason of an exceptionally favourable voyage arrived before that day.
- (5) For the purposes of this section—
- (a) the expression " heavy wood goods " means—
 - (i) any square, round, waney, or other timber, or any pitch pine, mahogany, oak, teak, or other heavy wood goods whatever ; or
 - (ii) any more than five spare spars or store spars, whether or not made, dressed, and finally prepared for use ; and
 - (b) the expression " light wood goods " means any deals, battens, or other light wood goods of any description ; and
 - (c) the expression " deck cargo " means any cargo carried either in any uncovered space upon deck or in any covered space not included in the cubical contents forming the ship's registered tonnage ; and
 - (d) the space in which wood goods are carried shall be deemed to be the space limited by the superficial area occupied by the goods, and by straight lines enclosing a rectangular space sufficient to include the goods.
- (6) Nothing in this section shall affect any ship not bound to a port in the United Kingdom which comes into any port of the United Kingdom, under stress of weather, or for repairs, or for any purpose other than the delivery of her cargo.
- (7) This section shall come into operation on the passing of this Act.

11 Summary prosecution for offences under the loading of grain provisions

Any offence for which a person is liable to a fine under subsection (2) of section four hundred and fifty-two of the principal Act (which relates to the obligation to take precautions to; prevent grain cargo from, shifting) or under any provision of this Act which relates to the lading of grain cargoes on foreign ships may be prosecuted summarily; but the fine to which a person is liable for any such offence shall not, if the offence is prosecuted summarily, exceed a hundred pounds.

12 Prohibition of engagement of seamen with insufficient knowledge of English

After the thirty-first day of December nineteen hundred and seven, the superintendent or other officer, before whom a seaman is engaged to be entered on board any British ship at any port in the British Islands or on the continent of Europe between the River Elbe and Brest inclusive, shall not allow a seaman to sign the agreement if in his opinion the seaman does not possess a sufficient knowledge of the English language to understand the necessary orders that maybe given to him in the course of the performance of his duties; but nothing in this section shall apply, to any British subject or inhabitant of a British protectorate or to. any lascar:

Provided that where a seaman has been allowed, to sign an agreement after the date on which this section comes into force, and is discharged before a superintendent or other officer, the superintendent or officer shall note the fact on his certificate of discharge in manner directed; by the Board of Trade, and a superintendent or other officer shall not under this section refuse to allow a seaman who. holds a certificate so noted to sign an agreement unless the superintendent or officer considers that there are special

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reasons for the refusal, and in that case he shall make a special report of the matter to the Board of Trade.

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.

14 Definition of steerage passenger

The following paragraph shall be substituted for paragraph (3) of section two hundred and sixty-eight of the principal Act—

- “(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 pro-" portion of at least thirty-six clear 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.”

15 Passengers landed or embarked by means of tenders

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.

16 Restriction as to the decks on which passengers may be carried

- (1) A ship shall not carry passengers, whether cabin or steerage passengers, on more than one deck below the water line.
- (2) If this section is not complied with in the case of any ship the master of the ship shall for each offence be liable to a fine not exceeding five hundred pounds.

17 Regulations substituted for Schedules 10, 11, 12, 13, and 14 of principal Act

- (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.

18 Copies of scale of provisions applicable to voyage to be produced to steerage passenger and posted up in ship

- (1) The master of every emigrant ship shall on request produce to any steerage passenger for his perusal a copy of the scale of provisions to which that person is entitled either in pursuance of the principal Act or under any conditions subject to which the Board of Trade have dispensed with that scale in pursuance of their powers under the Merchant Shipping Acts, and shall post up copies of the scale 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.
- (2) The master shall be liable on summary conviction to a fine not exceeding forty shillings for every day during any part of which by his act or default copies of the extracts are not posted up, and shall, if he fails to produce a copy of the scale as required by this section to a steerage passenger, for each offence be liable on summary conviction to a fine not exceeding forty shillings.
- (3) If any person displaces or defaces any copy of the scale posted under this section, he shall for each offence be liable on summary conviction to a fine not exceeding forty shillings.
- (4) The obligation of the master under this section shall be in addition to and not in derogation of any obligation he may be under in pursuance of section three hundred and sixty-one of the principal Act.

19 Provision as to the time at which a steerage passenger is to be ready to embark

For the purpose of adapting section three hundred and twenty-eight of the principal Act to any hour of sailing, the following paragraph shall be substituted for paragraph (i) of that section:—

- “(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 ””

20 Power to allow continuing master's bond

- (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

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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.
- (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.

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.

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 Sale of steerage passages

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.

24 Frauds in inducing or attempting to induce persons to engage passages

The following section shall be substituted for section three hundred and fifty-three of the principal Act:—

“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.”

PART III

SEAMEN'S FOOD

25 Statutory scale of provisions

- (1) The master of every ship for which an agreement with the crew is required under the Merchant Shipping Acts shall, if the agreement is made after the first day of June nineteen hundred and seven, furnish provisions to every member of the crew (who does not furnish his own provisions), in accordance with the scale set out in the First Schedule to this Act, and for the purposes of section one hundred and ninety-nine of the principal Act (which provides for compensation in the case of short or bad provisions every such member of the crew of the ship shall be deemed to have stipulated by his agreement for provisions in accordance with that scale.
- (2) The power of the court to modify or refuse compensation under section one hundred and ninety-nine of the principal Act shall be extended to cases where a member of the crew claiming compensation, although he has not been supplied with the provisions actually required by the scale, has been supplied with provisions containing on the whole the same or a greater amount of wholesome nutriment in their place.
- (3) If the master of a ship fails to furnish provisions, in accordance with this section, and the court before which the case is tried consider that the failure was due to the neglect or default of the master, the master shall be liable on summary conviction, in addition to paying compensation under section one hundred and ninety-nine of the principal Act, to a fine not exceeding one hundred pounds.
- (4) His Majesty may by Order in Council vary or add to the First Schedule to this Act.
- (5) This section shall not apply in the case of lascars or natives of India or others not accustomed to a European dietary, with whom an agreement is entered into providing an adequate scale of provisions suited to their needs and uses.

26 Inspection of provisions and water

- (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.

27 Certificated cooks for foreign-going ships

- (1) After the thirtieth day of June-nineteen hundred and eight, every British foreign-going ship of a thousand tons and upwards gross tonnage, going to sea from any place in the British Islands or on the continent of Europe between the River Elbe and Brest inclusive, shall be provided with and carry a duly certificated cook who is able to prove one month's service at sea hr some capacity.
- (2) A cook shall not be deemed to be duly certificated within the meaning of this section unless he is the holder of a certificate of competency in cooking granted by the Board of Trade or by some school of cookery or other institution approved for the purpose by that Board, or is the holder of certificates of discharge showing at least two years' service as cook previously to the said thirtieth day of June nineteen hundred and eight,
- (3) The cook shall be rated in the ship's articles as ship's cook, or in the case of ships of not more than two thousand tons gross tonnage, or ships in which the crew, or the majority of the crew, provide their own provisions, either as ship's cook or as cook and steward.
- (4) In the case of an emigrant ship, the ship's cook shall be in addition to the cook required by section three hundred and four of the principal Act.
- (5) If the requirements of this section, are not complied with in the case of any ship, the master or owner of the ship shall, if there is no sufficient reason for the failure, to comply with the requirements, for each offence be liable on summary conviction to a fine not exceeding twenty-five pounds.

PART IV

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

28 Dealing with wages and effects of a seaman who is left behind

- (1) If a seaman belonging to any British ship is left behind out of the British Islands, the master of the ship shall subject to the provisions of this section—

- (a) as soon as may be, enter in the official log-book a statement of the effects left on board by the seaman and of the amount due to the seaman on account of wages at the time when he was left behind ; and
 - (b) on the termination of the voyage during which the seaman was left behind, furnish to the proper officer within forty-eight hours after the arrival of the ship at the port at which the voyage terminates, accounts in a form approved by the Board of Trade, one (in this section referred to as the delivery account) of the effects and wages, and the other (in this section referred to as the reimbursement account) of any expenses caused to the master or owner of the ship by the absence of the seaman in cases where the absence is due to desertion, neglect to join his ship, or any other conduct constituting an offence under section two hundred and twenty-one of the principal Act. The master shall, if required by the proper officer, furnish such vouchers as may be reasonably required to verify the accounts.
- (2) The master of the ship shall deliver to the proper officer the effects of the seaman as shown in the delivery account, and subject to any deductions allowed under this section, the amount due on account of wages as shown in that account, and the officer shall give to the master a receipt, in a form approved by the Board of Trade, for any effects or amount so delivered.
- (3) The master of the ship shall be entitled to be reimbursed out of the wages or effects any sums shown in the reimbursement account which appear to the proper officer or, in case of an appeal under this section, to a court of summary jurisdiction to be properly chargeable, and for that purpose the officer, or, if necessary, in the case of an appeal, the Board of Trade, shall allow those sums to be deducted from the amount due on account of wages shown in the delivery account, and, so far as that amount is not sufficient, to be repaid to the master out of the effects.

The proper officer, before allowing any sums to be deducted or repaid under this provision, may require such evidence as he thinks fit as to the sums being properly chargeable to be given by the master of the ship, either by statutory declaration or otherwise.

Where the master of a ship whose voyage terminates in the United Kingdom is aggrieved by the decision of the proper officer - as to the sums to be allowed as properly chargeable on his reimbursement account, and the amount in dispute exceeds ten pounds, he may appeal from the decision of the proper officer to a court of summary jurisdiction.

- (4) Where during the voyage of a ship two or more seamen have been left behind, the delivery and reimbursement accounts furnished as respects each seaman may at the option of the master of the ship be dealt with, as between him and the proper officer, collectively instead of individually, and in that case the master of the ship shall be entitled to be reimbursed out of the total amount of the wages and effects of the seamen left behind the total of the amounts allowed under this section as properly chargeable on the reimbursement accounts, and shall be required to deliver to the proper officer on account of wages only the sum by which the total of the amounts shown on the delivery accounts to be due on account of wages exceeds the total of the amounts allowed as properly chargeable on the reimbursement accounts.
 - (5) The proper officer shall (subject to any repayment made under this section) remit the effects, and any amount received by him on account of wages under this section, at

such time and in such manner as the Board of Trade require, and shall render such accounts in respect thereof as the Board direct.

- (6) In this section the expression "effects" includes the proceeds of any sale of the effects if these effects are sold under this section, and the effects shall be sold by the proper officer in such manner as he thinks fit when they are delivered to him, unless the Board of Trade direct to the contrary, and, if not so sold, shall be sold by the Board as and when they think fit unless they are delivered to the seaman.
- (7) The master shall be under no liability for any loss of effects or for any damage to the effects if he proves to the proper officer that the loss or damage occurred without his neglect or privity after the seaman left the ship.
- (8) The Board of Trade shall not be under any liability with respect to anything done under this section, except that, if after the wages or effects of a seaman have been dealt with under this section, any legal proceedings are taken in respect of those wages or effects, or involving the forfeiture of those wages or effects, or of any sum out of the wages, by the seaman against the master or owner of the ship, or by the master or owner of the ship against the seaman, the Board shall, if notice is given to them of the proceedings, and a reasonable opportunity afforded to them of appealing, comply with any order of the court made as respects the wages or effects, so far as they can do so out of the wages and effects remitted to them in respect of the voyage of the ship, and, so far as those wages and effects are not required for reimbursing any expenses incurred by or on behalf of the Crown, or incurred by the Government of a foreign country and repaid to that Government by or on behalf of the Crown, as expenses of a distressed seaman on behalf of the seaman.

The Board shall be entitled to appear and be heard in any such proceedings by any of their officers, and for the purpose of this section notice to any superintendent shall be deemed to be notice to the Board.

The Board may, if and so far as they think fit, meet any claim made by a seaman against the master or owner of the ship in respect of any wages or effects dealt with under this section, although legal proceedings are not actually taken in respect thereof: Provided that they have given notice to the master or owner of the ship, and the master or owner has not given written notice of objection within ten days of the notice being given.

For the purposes of this subsection, any legal proceedings taken or any claim made by a person in whose favour an allotment note has been made, or who claims reimbursement of expenses on behalf of any union or parish under section one hundred and eighty-two of the principal Act, shall be treated as proceedings taken or a claim made by the seaman.

- (9) Any sums remitted under this section or arising from the sale of effects under this section shall be paid into the Exchequer, and any sums payable by the Board of Trade under this section shall be paid out of moneys provided by Parliament.
- (10) If the master of a ship fails without reasonable cause to comply with this section, he shall (without prejudice to any other liability) for each offence be liable on summary conviction to a fine not exceeding twenty pounds, and, if he delivers a false account or makes a false statement or representation for the purposes of this section, he shall in respect of each offence be guilty of a misdemeanor.
- (11) The proper officer for the purpose of this section shall be—
- (i) at a port in the United Kingdom, a superintendent;

- (ii) at a port in a British possession, a superintendent, or, in the absence of any such superintendent, the chief officer of customs at or near the port;
 - (iii) at a port elsewhere, the consular officer at the port.
- (12) This section shall not apply in the case of an absent seaman—
- (a) Where the master of the ship satisfies the proper officer that none of the effects of the seaman have to his knowledge been left on board the ship, and that he has paid all wages due to the seaman ; or
 - (b) where the amount of wages earned by the seaman (after taking into account any deductions made in respect of allotments or advances for which provision is made by the agreement with the crew) appears from the agreement to be less than five pounds, and the master does not exercise his option to deal with the delivery and reimbursement accounts collectively ; or
 - (c) where the master of the ship satisfies the proper officer that the net amount due to the seaman on account of wages (after taking into account any deductions lawfully made in respect of allotments, advances, or otherwise) is less than three pounds, and the master does not exercise his option to deal with the delivery and reimbursement accounts collectively ; or
 - (d) where the question of the forfeiture of the wages and effects of the seaman has been dealt with in legal proceedings lawfully instituted before the termination of the voyage, or within forty-eight hours of the arrival of the ship at the port at which the voyage terminates.

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

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.

30 Sanction required for discharge of seamen out of the United Kingdom

- (1) The master of a British ship shall not discharge a seaman at any place out of the United Kingdom (except at a port in the country in which he was shipped), unless he previously obtains, endorsed on the agreement with the crew, the sanction of the proper authority as defined for the purpose in this Part of this Act, but that sanction shall not be refused where the seaman is discharged on the termination of his service.
- (2) The authority to whom an application is made for sanction under this section may, and, if not a merchant, shall, examine into the grounds on which a seaman is to be discharged at a place out of the United Kingdom, and for that purpose may, if he thinks fit, administer oaths, and may grant or refuse the sanction as he thinks just, but such sanction shall not be unreasonably withheld.
- (3) If the master of a ship fails to comply with this section, he shall, in respect of each offence, be guilty of a misdemeanor, and in any legal proceeding for the offence it

shall lie on the master to prove that the sanction was obtained or could not be obtained, or was unreasonably withheld.

31 Certificate of discharge abroad

Where the master of a British ship discharges a seaman at any place out of the United Kingdom, he shall give to that seaman a certificate of discharge in a form approved by the Board of Trade, and, in the case of any certificated officer whose certificate he has retained, shall return that certificate to him.

32 Repatriation of seamen on termination of service at foreign port

- (1) Where the service of a seaman belonging to a British ship terminates at a port out of His Majesty's dominions otherwise than by the consent of the seaman to be discharged during the currency of the agreement, the master of the ship shall, besides giving the certificate of discharge required under this Part of this Act, and besides paying the wages to which the seaman is entitled, make adequate provision in accordance with this Act for his maintenance and for his return to a proper return port, and the proper authority as defined for the purpose in this Part of this Act shall endorse upon the agreement with the crew of the ship which the seaman is leaving the particulars of any provision so made.
- (2) If the master fails, without reasonable cause, to comply with this section, the expenses of maintenance and of the journey to the proper return port,—
 - (a) if defrayed by the seaman, shall be recoverable as wages due to him ; and
 - (b) if defrayed by the proper authority or by any other person, shall (unless the seaman has been guilty of barratry) be a charge upon the ship to which the seaman belonged, and may also be recovered against the person who is the owner of the ship for the time being, or, where the ship has been lost, against the person who was the owner of the ship at the time of the loss, or, where the ship has been transferred to some person not being a British subject, either against the owner for the time being or against the person "who was the owner of the ship at the time of the transfer, at the suit of the proper authority or other person, defraying the expenses, or, in case they have been allowed to the authority or person out of public money, as a debt to the Crown, either by ordinary process of law or in the court and in the manner in which wages may be recovered by seamen.
- (3) This section shall not apply in the case of a foreign seaman who has been shipped at a port out of the United Kingdom and discharged at a port out of the United Kingdom.

33 Discharge, &c. of seamen on change of ownership of ship at a foreign port

- (1) Where a British ship is transferred or disposed of at any port out of His Majesty's dominions, any seaman belonging to that ship shall be discharged unless the seaman consents in writing in the presence of the proper authority as defined for the purpose in this Part of this Act to complete the voyage of the ship if continued.
- (2) Where a seaman is so discharged the provisions of this Part of this Act as to the certificate of discharge, and the return of the seaman to a proper return port, shall apply as if the service of the seaman had terminated otherwise than by the consent of the seaman to be discharged during the currency of the agreement, and shall apply to foreign seamen whether they have been shipped at a port in the United Kingdom or not.

34 Expenses of medical attendance in case of injury or illness

- (1) If the master of, or a seaman belonging to, a ship receives any hurt or injury in the service of the ship, or suffers from any illness (not being venereal disease, or an illness due to his own wilful act or default or to his own misbehaviour), the expense of providing the necessary surgical and medical advice and attendance and medicine, and also the expenses of the maintenance of the master or seaman until he is cured, or dies, or is returned to a proper return port, and of his conveyance to the port, and in the case of death the expense (if any) of his burial, shall be defrayed by the owner of the ship, without any deduction on that account from his wages.
- (2) If the master or a seaman is on account of any illness temporarily removed from his ship for the purpose of preventing infection, or otherwise for the convenience of the ship, and subsequently returns to his duty, the expense of the removal and of providing the necessary advice and attendance and medicine, and of his maintenance while away from the ship, shall be defrayed in like manner.
- (3) The expense of all medicines, surgical and medical advice, and attendance, given to a master or seaman whilst on board his ship shall be defrayed in like manner.
- (4) In all other cases any reasonable expenses duly incurred by the owner for any seaman in respect of illness, and also any reasonable expenses duly incurred by the owner in respect of the burial of any seaman who dies whilst on service, shall, if duly proved, be deducted from the wages of the seaman.

35 Recovery of expenses from owner

- (1) If any of the expenses attendant on the illness, hurt, or injury of a seaman, which are to be paid under the Merchant Shipping Acts by the master or owner, are paid by any authority on behalf of the Crown, or if any other expenses in respect of the illness, hurt, or injury of any seaman whose wages are not accounted for under the Merchant Shipping Acts to that authority, are so paid, those expenses shall be repaid to the authority by the master or owner of the ship.
- (2) If the expenses are not so repaid, the amount thereof shall with costs be a charge upon the ship, and be recoverable from the master or from the owner of the ship for the time being, or where the ship has been lost from the person who was the owner of the ship at the time of the loss, or, where the ship has been transferred to some person not being a British subject, either from the owner for the time being or from the person who was the owner of the ship at the time of the transfer, as a debt to the Crown, either by ordinary process of law or in the court and in the manner in which wages may be recovered by seamen.
- (3) In any proceeding for such recovery, a certificate of the facts, signed by the said authority, together with such vouchers (if any) as the case requires, shall be sufficient proof that the said expenses were duly paid by that authority.

36 Certificate of proper authority required where a seaman is left behind abroad

- (1) The master of a British ship shall not leave a seaman behind at any place out of the United Kingdom, ashore or at sea (except where the seaman is discharged in accordance with the Merchant Shipping Acts), unless he previously obtains, endorsed on the agreement with the crew, the certificate of the proper authority as defined for the purpose in this-Part of this Act, stating the cause of the seaman being left

behind, whether the cause be unfitness or inability to proceed to sea, desertion, or disappearance or otherwise.

- (2) The authority to whom an application is made for a certificate under this section may, and, if not a merchant, shall, examine into the grounds on which a seaman is to be left behind, and for that purpose may, if he thinks fit, administer oaths, and may grant or refuse the certificate as he thinks just, but the certificate shall not be unreasonably withheld.
- (3) If the master of a ship fails to comply with this section, he shall (without prejudice to his liability under any other provision of the Merchant Shipping Acts) be guilty in respect of each offence of a misdemeanor, and in any legal proceeding for the offence it shall lie on the master to prove that, the certificate was obtained or could not be obtained without unreasonable delay to the ship or was unreasonably withheld.

37 Account of wages in case of seaman left behind on ground of unfitness or inability to proceed to sea

- (1) Where a master of a British ship leaves a seaman behind on shore in any place out of the United Kingdom on the ground of his unfitness or inability to proceed to sea, he shall deliver to the person signing the required certificate of the proper authority a full and true account of the wages due to the seaman, and if that person is a consular officer shall deliver the account in duplicate.
- (2) If a master fails without reasonable cause to deliver the account, he shall for each offence be liable on summary conviction to a fine not exceeding ten pounds, and, if he knowingly delivers a false account, he shall for each offence be liable on summary conviction to a fine not exceeding twenty pounds, in addition in each case to the payment of the wages.

38 Payment of wages of seaman left behind on ground of unfitness or inability to proceed to sea

- (1) The master shall pay the amount of wages due to a seaman left behind on the ground of his unfitness or inability to -proceed to sea, if he is left in a British possession to the seaman himself, and if he is left elsewhere to the British consular officer.
- (2) Where payment is made to a British consular officer, that officer shall retain one duplicate of the account delivered to him, and, if satisfied with the account, endorse on the other duplicate a receipt for the payment, and return it, to the master, and the master shall deliver the duplicate within forty-eight hours of his return to his port of destination, if that port is in the United Kingdom, to the superintendent at that port, and, if that port is not in the United Kingdom, to the proper authority as defined for the purpose of this Part of this Act.
- (3) The payment shall be made, whenever it is practicable, in money, and, when not so practicable, by bills drawn on the owner of the ship, but if payment is made by bill—
 - (a) the person signing the required certificate of the proper authority shall certify by endorsement on the bill that the bill is drawn for seamen's wages, and shall also endorse on the agreement with the crew the amount for which the bill is drawn, and such further particulars as the Board of Trade require ;
 - (b) if the bill is drawn by the master, the owner of the ship shall be liable to pay the amount to the holder or endorsee thereof; and it shall not be necessary in

any proceeding against the owner upon the bill to prove that the master had authority to draw it;

- (c) a bill purporting to be drawn and endorsed under this section shall, if produced out of the custody of the Board of Trade or of the Registrar-General of Shipping and Seamen, or of any superintendent, be admissible in evidence; and any endorsement on any such bill purporting to be made in pursuance of this section shall also be admissible as evidence of the facts stated in the endorsement.
- (4) If a master fails, without reasonable cause, to make such payment of wages as provided by this section, he shall for each offence be liable on summary conviction, in addition to the payment of the wages, to a fine not exceeding ten pounds.

39 Application by British consular officer of payments, on account of wages of seamen left behind

Where the amount of wages due to a seaman left behind on the ground of his unfitness or inability to proceed to sea is so paid to a British consular officer, that officer shall deal with the sum so paid to him in the following manner, namely :—

- (1) If the seaman subsequently obtains employment at or quits the port at which the payment has been made, he shall deduct out of the sum any expenses incurred by him in respect of the maintenance of the seaman under the Merchant Shipping Acts, except such as the owner or master is by the Merchant Shipping Acts required to defray, and shall pay the remainder to the seaman, and deliver to him an account of the sums so received and expended on his behalf;
- (2) If the seaman dies before his ship quits the port, he shall deal with the sum as part of the property of a deceased seaman; and
- (3) If the seaman is sent to a proper return port at the public expense under the Merchant Shipping Acts, he shall account for the sum to the Board of Trade; and the sum, after deducting any expenses duly incurred in respect of the seaman, except such expenses as the master or owner of the ship is required by the Merchant Shipping Acts to pay, shall be dealt with as wages of the seaman.

40 Regulations as to relief and maintenance of distressed seamen

The Board of Trade shall make regulations with respect to the relief, maintenance, and return to a proper return port of shipwrecked seamen and of seamen found otherwise in distress in any place out of the United Kingdom, and may, by those regulations (in this Act referred to as the distressed seamen regulations), make such conditions as they think fit with regard to that relief, maintenance, and sending to a proper return port and a seaman shall not have any right to be relieved, maintained, or sent to a proper return port, except in the cases and to the extent and on the conditions provided by those regulations.

41 Provisions for relief and maintenance of distressed seamen

- (1) Where either—
- (a) any seamen, whether subjects of His Majesty or not, are found in any place out of the United Kingdom, and have been shipwrecked from any British ship or any of His Majesty's ships, or by reason of having been discharged or left

behind from any such ship in any place out of the United Kingdom, are in distress in that place, or

- (b) any seamen, being subjects of His Majesty, who have been engaged by any person, acting either as principal or agent to serve in a ship belonging to the government or to a subject or citizen of a foreign country, are in distress in any place out of the United Kingdom,

the proper authority as defined for the purpose in this Part of this Act may, and, if not a merchant, shall, in accordance with and on the conditions prescribed, by the distressed seamen regulations, provide in accordance with this Act for the return of those seamen (who are in this Act included in the term distressed seamen) to a proper return port, and also provide for their necessary clothing and their maintenance until their departure for such a port, and, in addition, in the case of shipwrecked seamen, for the repayment of any expenses incurred in their conveyance to port after their shipwreck, and their maintenance while being so conveyed.

- (2) The authority shall be paid in respect of the expenses incurred under this section on behalf of distressed seamen such sums as the Board of Trade may allow, and those sums shall, on the production, of the bills of disbursements, with the proper vouchers, be paid as provided by this Part of this Act.

42 Recovery of expenses of relief of distressed seamen

- (1) Where any expenses (other than excepted expenses as defined by this section) are incurred by or on behalf of the Crown, or are incurred by the government of a foreign country, and repaid to that government by or on behalf of the Crown, on account of a distressed seaman, either for his maintenance, necessary clothing, conveyance to a proper return port, or in case of death for his burial, or otherwise in accordance with this Act, those expenses (together with the wages, if any, due to the seaman) shall be a charge upon the ship, whether British or foreign, to which the distressed seaman belonged, and shall be a debt to the Crown from the master of the ship, or from the owner of the ship for the time being, or, where the ship has been lost, from the person who was owner of the ship at the time of the loss, or, where the ship has been transferred to some person not being a British subject, either from the owner for the time being or from the person who was the owner of the ship at the time of the transfer, and also, if the ship be a foreign ship, from the person, whether principal or agent, who engaged the seaman for service in the ship.
- (2) The debt, in addition to any fines which may have been incurred, may be recovered by the Board of Trade, on behalf of the Crown, either by ordinary process of law or in the court and manner in which wages may be recovered by seamen.
- (3) In any proceeding for such recovery the production of the account (if any) of the expenses furnished in accordance with this Act or the distressed seamen regulations, and proof of payment of the expenses by or on behalf of the Board of Trade, shall be prima facie evidence that the expenses were incurred or repaid under this Act by or on behalf of the Crown.
- (4) For the purpose of this section, excepted expenses are expenses incurred in cases where the certificate of the proper authority obtained on leaving a seaman behind states, or the Board of Trade are otherwise satisfied, that the cause of the seaman being left behind is desertion, or disappearance, or imprisonment for misconduct, or discharge from his ship by a naval court on the ground of misconduct, and expenses incurred on account of the return to a proper return port of a distressed seaman who has been discharged at the port at which he was shipped, or at some neighbouring port.

43 Penalty for forcing seamen on shore

A person belonging to a British ship shall not wrongfully force a seaman on shore and leave him behind or otherwise cause a seaman to be wrongfully left behind at any place, either on shore or at sea, in or out of His Majesty's dominions, and if he does so he shall in respect of each, offence be guilty of a misdemeanour.

44 Deduction from wages and payment to superintendents, &c, of fines

- (1) Every fine imposed on a seaman for any act of misconduct for which his agreement imposes a fine shall be deducted as follows (that is to say):—
 - (a) if the offender is discharged in the United Kingdom, and the offence, and the entry in the log-book required by the Merchant Shipping Acts in respect thereof, are proved to the satisfaction, in the case of a foreign-going ship of the superintendent before whom the offender is discharged, and in the case of a home-trade ship of the superintendent at or nearest the port at which the crew are discharged, the master or owner shall deduct the fine from the wages of the offender ;
 - (b) if the offender enters His Majesty's naval service or is discharged abroad, and the offence and the entry as aforesaid are proved to the satisfaction of the officer in command of the ship he so enters, or of the proper authority by whose sanction he is discharged, as the case may be, the fine shall be deducted as aforesaid and an entry made in the official log-book of the ship and signed by the officer or authority to whose satisfaction the offence is proved.
- (2) Every fine so deducted shall be paid—
 - (a) if the offender is discharged in the United Kingdom, to the superintendent;
 - (b) if the offender enters His Majesty's naval service, on the return of the ship to its port of destination, if that port is in the United Kingdom, to the superintendent before whom the crew is discharged, or in the case of a home-trade ship to the superintendent at or nearest to the port at which the crew is discharged, and, if the port of destination is not in the United Kingdom, to the proper authority as defined for the purpose of this Part of this Act;
 - (c) if the offender is discharged at any place out of the United Kingdom, to the proper authority.
- (3) A proper authority shall remit any amounts received by them under this section at such times and in such manner, and render such accounts in respect thereof, as the Board of Trade require.
- (4) If a master or owner fails without reasonable cause to pay any fine as required by this section, he shall for each offence be liable on summary conviction to a fine not exceeding six times the amount of the fine not so paid.
- (5) An act of misconduct for which any fine has been inflicted and paid by, or deducted from the wages of, the seaman, shall not be otherwise punished under the Merchant Shipping Acts.

45 Proper return port

For the purpose of this Part of this Act, either the port at which the seaman was shipped or a port in the country to which he belongs, or some other port agreed to by the

seaman, in the case of a discharged seaman, at the time of his discharge, shall be deemed to be a proper return port:

Provided that in the case of a seaman belonging to a British possession who has been shipped and discharged out of the United Kingdom the proper officer may treat a port in the United Kingdom as a proper return port.

46 Mode of providing for return

- (1) A seaman may be sent to a proper return port by any reasonable route, either by sea or land, or partly by sea and partly by land.
- (2) Provision shall be made for the return of the seaman as to the whole of the route if it is by sea, or as to any part of the route which is by sea, by placing the seaman on board a British ship which is in want of men to make up its complement, or, if that is not practicable, by providing the seaman with a passage in any ship, British or foreign, or with the money for his passage, and, as to any part of the route which is by land, by paying the expenses of his journey and of his maintenance during the journey, or providing him with means to pay those expenses,
- (3) Where the master of a ship is required under this Part of this Act to provide for the return of a discharged seaman to a proper return port, the master may, instead of providing the seaman's passage, or the expenses of his journey, or of providing the seaman with means to pay his passage or those expenses, deposit with the proper authority such sum as that authority consider sufficient to defray the expenses of the return of the seaman to a proper return port.
- (4) The Board of Trade may, by the distressed seamen regulations, make such provision as may be necessary for enabling the proper authority, and in the case of expenses required to be incurred in the United Kingdom any officer named for the purpose by the Board, to defray on behalf of the authority originally making arrangements for the return of a distressed seaman to a proper return port any expenses on account of that seaman which the authority originally acting in respect of him could defray, and any expenses so incurred shall for the purposes of this Part of this Act relating to distressed seamen be deemed to be expenses incurred on behalf of the distressed seaman.

47 Decision of questions as to return by proper authority

If any question arises as to what return port a seaman is to be sent to in any case, or as to the route by which he should be sent, that question shall be decided by the proper authority, and, in deciding any question under this provision, the authority shall have regard both to the convenience of the seaman and to the expense involved, and also, where that is the case, to the fact that a British ship which is in want of men to make up its complement is about to proceed to a proper return port.

48 Provisions as to taking distressed seamen on ships

- (1) Where a distressed seaman is, for the purpose of his return to a proper return port, placed on board a British ship, the authority by whom the seaman is so placed shall endorse on the agreement with the crew of the ship the name of the seaman so placed on board, together with any particulars directed to be endorsed by the distressed seamen regulations.

- (2) The master of every British ship shall receive on board his ship, and afford a passage and maintenance to, all distressed seamen whom he is required under this Act to take on board his ship, not exceeding one for every fifty tons burden, and shall during the passage provide every such distressed seaman with a proper berth or sleeping place, effectually protected against sea and weather.
- (3) On the production of a certificate, signed by the authority by whose directions any such distressed seaman was received on board, specifying the number and names of the distressed seamen and the time when each of them was received on board, and on a declaration made by the master before a justice of the peace, or any officer authorised to administer an oath, stating the number of days during which each distressed seaman has received maintenance, and stating the full complement of his crew and the actual number of seamen employed on board his ship, and every variation in that number, whilst the distressed seamen received maintenance, the master shall be entitled to be paid, in respect to the maintenance and passage of every seaman so conveyed, maintained, and provided for by him, exceeding the number (if any) wanted to make up the complement of his crew, such sum per diem as the Board of Trade allow.
- (4) If any master of a British ship fails without reasonable cause to comply with this section in the case of any distressed seaman, he shall for each offence be liable on summary conviction to a fine not exceeding one hundred pounds.

49 Definitions of "proper authority" and "seamen"

For the purposes of this Part of this Act, unless the context otherwise requires,—

- (1) The expression "proper authority" means—
 - (a) as respects a place out of His Majesty's dominions, the British consular officer, or, if there is no such officer in the place, any two British merchants resident at or near the place, or, if there is only one British merchant so resident, that British merchant; and
 - (b) as respects a place in a British possession—
 - (i) in relation to the discharge or leaving behind of seamen, or the payment of lines, a superintendent, or, in the absence of any such superintendent, the chief officer of customs at or near the place ; and
 - (ii) in relation to distressed seamen the governor of the possession, or any person acting under his authority ; and
- (2) The expression "seamen" includes not only seamen as defined by the principal Act, but also apprentices to the sea service :
- (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 V

MISCELLANEOUS

50 Ships' names

- (1) The Board of Trade, in conjunction with the Commissioners of Customs, may make regulations enabling the Board of Trade to refuse the registry of any ship by the name by which it is proposed to register that ship if it is already the name of a registered British ship or a name so similar as to be calculated to deceive, and may by those regulations require notice to be given in such manner as may be directed by the regulations before the name of the ship is marked on the ship, or before the name of the ship is entered in the register.
- (2) If the registry of a ship by the name by which it is proposed to register that ship is refused by the Board of Trade, or if any requirements of the regulations are not complied with in the case of any ship which it is proposed to register, that ship shall not be registered under the name proposed or until the regulations are complied with, as the case may be.

51 Power to inquire into the title of a registered ship to be registered

- (1) Where it appears to the Commissioners of Customs that there is any doubt as to the title of any ship registered as a British ship to be so registered, they may direct the registrar of the port of registry of the ship to require evidence to be given to his satisfaction that the ship is entitled to be registered as a British ship.
- (2) If within such time, not less than thirty days, as the Commissioners fix, satisfactory evidence of the title of the ship to be registered is not so given, the ship shall be subject to forfeiture under Part I of the principal Act.
- (3) In the application of this section to a port in a British possession, the Governor of the British possession, and, in the application of this section to foreign ports of registry, the Board of Trade, shall be substituted for the Commissioners of Customs.

52 Provisions with respect to mortgages of ships sold to foreigners

- (1) Subsection one of section twenty-one of the principal Act shall be read as if the following words were inserted at the end of that subsection, " and the registry of the ship in that book shall be considered as closed except so far as relates to any unsatisfied mortgages or existing certificates of mortgage entered therein. "
- (2) It is hereby declared that where the registry of a ship is considered as closed under subsection (1) of section twenty-one of the principal Act as amended by this section, or under subsection (10) of section forty-four of that Act, on account of a transfer to persons not qualified to be owners of British ships, any unsatisfied registered mortgage (including mortgages made under a certificate of mortgage) may, if the ship comes within the jurisdiction of any court in His Majesty's dominions which has jurisdiction to enforce the mortgage, or would have had such jurisdiction if the transfer had not been made, be enforced by that court notwithstanding the transfer, without prejudice, in cases where the ship has been sold under a judgment of a court, to the effect of that judgment.

53 Amendment of 57 & 58 Vict. c.60 s.48

The following subsection shall be substituted for subsection (2) of section forty-eight of the principal Act:—

“(2) If default is made in registering anew a ship, or in registering an alteration of a ship so altered as aforesaid, the owner of the ship shall be liable on summary conviction to a fine not exceeding one hundred pounds, and in addition to a fine not exceeding five pounds for every day during which the offence continues after conviction.”

54 Deduction of spaces used for water ballast in ascertaining tonnage

(1) For the purpose of enabling spaces used for water ballast to be deducted in ascertaining the register tonnage of a ship, section seventy-nine of the principal Act shall be read as if the words—

“(iv) Any space (other than a double bottom) adapted only for water ballast; and were added at the end of paragraph (a) of subsection (1) of that section.”

(2) For the purpose of obtaining the benefit of a deduction under this section the owner of any existing ship who claims to be entitled to the deduction may apply to the Board of Trade to have the necessary remeasurements of his ship made, and the Board of Trade, on the payment of such fee, not exceeding in any case one-fifth, of the corresponding maximum fee fixed by the Third Schedule to the principal Act, as they may authorise, shall direct those measurements to be made, and the number denoting the register tonnage shall be altered accordingly.

55 Crew space of foreign ships

Subsection (1) of section eighty-four of the principal Act shall be read as if the following words were added thereto, namely, " and any space shown by the certificate of registry or " other national papers of any such ship as deducted from " tonnage on account of being occupied by seamen or apprentices, and appropriated to their use, shall be deemed to have " been certified under this Act, and to comply with the provisions of this Act which apply to such a space in the case of " British ships, unless a surveyor of ships certifies to the Board " of Trade that the construction and the equipment of the ship " as respects that space do not come up to the standard required " under this Act in the case of a British ship, and if any question arises whether the construction and the equipment of the " ship so come up to the required standard a surveyor of ships " may inspect the ship for purpose of determining whether such. " a certificate should be given by him or not."

56 Second 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):—

“(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.”

57 Powers of court in case of unreasonable delay in paying masters' wages

In any action or other legal proceedings by the master of a ship for the recovery of any sum due to him on account of wages, the court may, if it appears to them that the payment of the sum due has been delayed otherwise than owing to the act or default of the master, or to any reasonable dispute as to liability, or to any other cause not being the wrongful act or default of the person liable to make the payment, order that person to pay, in addition to any sum due on account of wages, such sum as they think just as damages in respect of the delay, without prejudice to any claim which may be made by the master on that account.

58 Title to be rated as A.B

- (1) For the purpose of reducing the period of service required as a qualification for the rating of A.B., the period of " three years before the mast " shall be substituted for the period of " four years before the mast, " and " two years of that employment " shall be substituted for " three years of that employment, " and " two or more years sea service " shall be substituted for " three or more years sea service, " in section one hundred and twenty-six of the principal Act.
- (2) Any superintendent or other officer before whom a seaman is engaged shall refuse to enter the seaman as A.B. on the agreement with the crew unless the seaman gives such satisfactory proof as is required by section one hundred and twenty-six of the principal Act of his title to be so rated ; and if any seaman, for the purpose of obtaining a rating as A.B., makes any false statement or false representation, he shall be liable on summary conviction in respect of each offence to a fine not exceeding five pounds.

59 Notice of disrating of seaman

- (1) Where the master of a ship disrates a seaman he shall forthwith enter or cause to be entered in the official logbook a statement of the disrating, and furnish the seaman with a copy of the entry; and any reduction of wages consequent on the disrating shall not take effect until the entry has been so made and the copy so furnished.
- (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).

60 Power to except claims from release on settlement of wages

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.

61 Obligation to offer allotment notes

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.

62 Time for payment of allotment note

A payment under an allotment note shall begin at the expiration of one month from the date of the agreement with the crew and shall be paid at the expiration of every subsequent month after the first month, and shall be paid only in respect of wages earned before the date of payment.

63 Master to give facilities to seamen for remitting wages

- (1) Where the balance of wages due to a seaman is more than ten pounds, and the seaman expresses to the master of the ship his desire to have facilities afforded to him for remitting all or any part of the balance to a savings bank, or to a near relative in whose favour an allotment note may be made, the master shall give to the seaman all reasonable facilities for so doing so far as regards so much of the balance as is in excess of ten pounds, but shall be under no obligation to give those facilities while the ship is in port if the sum will become payable before the ship leaves port, or otherwise than conditionally on the seaman going to sea in the ship.
- (2) If the master of a ship fails to comply with the provisions of this section, he shall be liable on summary conviction for each offence to a fine not exceeding five pounds.

64 Increase of crew space

- (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.
- (2) In estimating the space available for the proper accommodation of seamen and apprentices, there may be taken into account the space occupied by any mess rooms, bath rooms, or washing places appropriated exclusively to the use of those seamen and apprentices, so, however, that the space in any place appropriated to the use of seamen or apprentices in which they sleep is not less than seventy-two cubic feet and twelve superficial feet for each seaman or apprentice.
- (3) Nothing in this section shall affect—
 - (a) any ship registered before the passing of this Act or which was in course of construction on the first day of January nineteen hundred and seven ; or
 - (b) any ship of not more than three hundred tons burden ; or

(c) any fishing boat within the meaning of Part IV of the principal Act, or require any additional space to be given in the case of places occupied solely by lascars and appropriated to their use.

65 Provisions as to failure to join ship and desertion

- (1) Where a seaman who has been lawfully engaged and has received under his agreement an advance note, after negotiating his advance note, wilfully or through misconduct fails to join his ship or deserts therefrom before the note becomes payable, he shall, on summary conviction, be liable to a fine not exceeding five pounds, or, at the discretion of the court, to imprisonment for not exceeding twenty-one days, but nothing in this section shall take away or limit any remedy by action or by summary procedure before justices which any person would otherwise have in respect of the negotiation of the advance note, or which an owner or master would otherwise have for breach of contract.
- (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.

66 Appeal from decision on investigation as to shipping casualties

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.

67 Power of naval court to send a person sentenced to imprisonment home to undergo sentence

- (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.

- (2) Any master of a ship to whose charge an offender is committed under this section shall, on his ship's arrival in the United Kingdom or in a British Possession, as the case may be, give the offender into the custody of some police officer or constable, and the offender shall be dealt with as if he had been convicted and sentenced to imprisonment by a court of competent jurisdiction in the United Kingdom or in the British possession, as the case may be.
- (3) His Majesty may by Order in Council apply this section to any British possession the Legislature of which consents to that application.

68 Appeal from naval courts

- (1) Any person aggrieved by an order of a naval court ordering the forfeiture of wages, or by a decision of a naval court of a question as to wages, fines, or forfeitures, may appeal to the High Court in such manner and subject to such conditions and provisions as may be provided by rules of court, and on any such appeal the High Court may confirm, quash, or vary the order or decision appealed against as they think just.
- (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.

69 Calculation of tonnage of steamship for the purpose of limitation of liability

For the purpose of the limitation under the Merchant Shipping Acts of the liability of owners of ships, docks, or canals, and of harbour authorities and conservancy authorities, the tonnage of a steamship shall be her registered tonnage, with the addition of any engine-room space deducted for the purpose of ascertaining that tonnage, and the words " registered tonnage " with the addition of any engine-room space deducted for the " purpose of ascertaining that tonnage " shall accordingly be substituted in paragraph (a) of subsection (2) of section five hundred and three of the principal Act for " gross tonnage without deduction on account of engine-room. "

70 Liability of shipowners as respects ships launched but not registered

The proviso to section one of the Merchant Shipping (Liability of Shipowners) Act, 1898, shall cease to have effect, but that section shall not be construed so as to extend section five hundred and two of the principal Act to the owners of any ship, or any share therein, after the ship has become a foreign ship.

71 Liability of charterer

Sections five hundred and two to five hundred and nine of the principal Act shall be read so that the -word "owner" shall be deemed to include any charterer to whom the ship is demised.

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 Alien pilotage certificates

After the date of the passing of this Act a pilotage certificate shall not be granted to the master or mate of a ship unless he is a British subject, but nothing in this section shall affect the renewal of a pilotage certificate granted before the first day of June nineteen hundred and six to a master or mate who is not a British subject.

A pilotage certificate includes not only a certificate which may be granted under sections five hundred and ninety-nine and six hundred of the principal Act, but also the certificate which may be granted under section six hundred and four of that Act.

74 Provisions as to superintendence, &c

- (1) In the United Kingdom, all superintendents, deputies, clerks, and servants in mercantile marine offices shall be appointed and removable by the Board of Trade, and all superintendents, whether appointed before or after the commencement of this Act, shall, in carrying into effect the provisions of the Merchant Shipping Acts, be subject to the control of, and obey directions given by, the Board of Trade, except as respects any matter which, under those Acts or any Order in Council made thereunder, is subject to the control of any other Government Department, and the power of removal by this section conferred on the Board of Trade shall be exercisable by the Board as respects superintendents, deputies, clerks, and servants appointed before the commencement of this Act.
- (2) In subsection (1) of section two hundred and forty-four of the principal Act the words " such of the provisions of this Act as relate to their powers and duties " shall be substituted for the words " this Act. "

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, or gives any false information for the purpose, the master or passenger shall be liable for each offence on summary conviction to a fine not exceeding twenty pounds.

77 Return as to cattlemen brought to the United Kingdom

- (1) The master of every ship which carries any cattlemen to any port in the United Kingdom from any port out of the United Kingdom shall furnish to such person and in such manner as the Secretary of State directs a return giving such particulars with respect to any cattlemen so carried as may be required for the time being by order of the Secretary of State, and every such cattleman shall furnish the master of the ship with any information required by him for the purpose of the return.
- (2) If the master of a ship fails to make the return required by this section, or makes a false return, he shall be liable on summary conviction to a fine not exceeding one hundred pounds, and if any cattleman refuses to give information required by the master for the purpose of the return under this section, or gives any false information for the purpose, he shall be liable on summary conviction to imprisonment with hard labour for a term not exceeding three months.
- (3) For the purpose of this section the expression "cattleman" means any person who is engaged or employed to attend during the voyage of the ship on any cattle carried therein as cargo.

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 for the purpose of the Merchant Shipping Acts, and those 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 in manner provided by those Acts.
- (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,

81 Application of certain sections of principal Act to Scotland

- (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.

82 Amendment of procedure in Scotland

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

- (1) Subsection one of section two hundred and thirty-seven of the principal Act is hereby amended by the addition thereto of the following words : " And such person found on board without consent as aforesaid may be taken before any sheriff or justice of the peace without warrant, and such sheriff or justice may summarily hear the case, and, on proof of the offence, convict such offender as aforesaid."
- (2) The provisions of section six hundred and eighty of the principal Act shall apply to Scotland.
- (3) Section seven hundred and two of the principal Act shall be amended by the deletion of the words " by criminal " libel at the instance of the procurator fiscal of the " county before the sheriff," and every offence referred to in section seven hundred and two of the principal Act may be prosecuted by indictment.
- (4) The words " or misdemeanors " in section seven hundred and three of the principal Act are hereby repealed.

83 Amendment of s.744 of 57 & 58 Vict. c.60, as respects Scottish whalers

Section seven hundred and forty-four of the principal Act (which relates to the application of that Act to certain fishing vessels) shall not apply to ships engaged in the whale fisheries off the coast of Scotland and registered at ports in Scotland, and accordingly there shall be added at the end of that section the words " and of ships engaged in the whale " fisheries off the coast of Scotland and registered at ports in " Scotland."

PART VI

SUPPLEMENTAL

84 Construction of references to Merchant Shipping Acts

- (1) In this Act the expression "principal Act" means the 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.

85 Repeal

The enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third, column of that Schedule.

Status: This is the original version (as it was originally enacted).

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) This Act shall, save as otherwise expressly provided, come into operation on the first day of June nineteen hundred and seven.