



Merchant Shipping Repeal Act 1854

1854 CHAPTER 120

An Act to repeal certain Acts and Parts of Acts relating to Merchant Shipping, and to continue certain Provisions in the said Acts. [11th August 1854]

WHEREAS by "The Merchant Shipping Act, 1854," the Acts relating to Merchant Shipping are amended and consolidated, and it is expedient to repeal certain Acts and Parts of Acts relating to Merchant Shipping, and to make temporary Provisions with respect to certain of the Matters referred to in the said Acts:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary

1 Short Title of Act.

This Act may be cited for all Purposes as " The Merchant Shipping Repeal Act, 1854."

2 Interpretation of Terms in this Act.

In the Construction and for the Purposes of this Act the Interpretation of Terms contained in " The Merchant Shipping Act, 1854," shall be considered as incorporated with and forming Part of this Act.

3 Commencement of Act.

With the Exception of such Provisions of this Act as are hereinafter expressly stated to be intended to come into operation immediately after the passing, thereof, this Act shall come into operation at the same Time as the Merchant Shipping Act, 1854.

4 Repeal of Acts mentioned in Schedule.

There shall be hereby repealed—

The several Acts and Parts of Acts set forth in the First Schedule hereto, to the Extent to which such Acts or Parts of Acts are therein expressed to be repealed, and all such Provisions of any other Acts or of any Charters, and all such Laws, Customs, and Rules as are inconsistent with the Provisions of the Merchant Shipping Act, 1854 :

Provided that such Repeal shall not affect—

- (1) Any Provisions contained in the Act of the Seventh Year of His late Majesty King *William* the Fourth, Chapter Seventy-nine, as to Title, Application of Purchase Money, or borrowing Money, and having relation to the Power of purchasing Lighthouses given to the *Trinity House* by the same Act:
- (2) Any Security duly given before this Act comes into operation :
- (3) Any Thing duly done before this Act comes into operation:
- (4) Any Liability accruing before this Act comes into operation :
- (5) Any Penalty, Forfeiture, or other Punishment incurred or to be incurred in respect of any Offence committed before this Act comes into operation :
- (6) The Institution of any Investigation or legal Proceeding or any other Remedy for ascertaining, enforcing, or recovering any such Liability, Penalty, Forfeiture, or Punishment as aforesaid :
- (7) Any Appointment, Byelaw, Regulation, or Licence duly made or granted under any Enactment hereby repealed, and subsisting at the Time when this Act comes into operation; and the same shall continue in force, but shall be subject to such Provisions of the Merchant Shipping Act, 1854, as are applicable thereto respectively.

5 Continuation of Local Marine Boards.

The Local Marine Boards, the Members of which have been appointed or elected under the Mercantile Marine Act, 1850, shall continue to act until the Fourth Day of *February* One thousand eight hundred and fifty-seven, or until other Boards have been constituted in lieu thereof in pursuance of the Provisions of the Merchant Shipping Act, 1854.

6 Construction of Sections 4 and 9 of the Pilotage Law Amendment Act.

The Fourth and Ninth Sections of " The Pilotage Law Amendment Act, 1853," shall be construed as if the Fifth Part of "The Merchant Shipping Act, 1854," were therein referred to, in lieu of the Act of the Sixth Year of King *George* the Fourth, Chapter One hundred and twenty-five.

7 Expenses of Life Boats, &c. may be charged on Mercantile Marine Fund.

The Board of Trade may, out of the Mercantile Marine Fund, direct Payment to be made of such Expenses for establishing and maintaining on the Coasts of the United Kingdom proper Life Boats, with the necessary Crews and Equipments, and for affording Assistance towards the Preservation of Life and Property in Cases of Shipwreck and Distress at Sea, and for the granting Rewards for the Preservation

of Life in such Cases, as it thinks fit; and this Section shall come into operation immediately after the passing of this Act.

8 Existing Liabilities on Mercantile Marine Fund continued.

Nothing in the Merchant Shipping Act, 1854, or in this Act, contained shall operate to prevent the Exercise of the Powers contained in the Twelfth and Sixteenth Sections of the , Merchant Shipping Law Amendment Act, 1853, of paying the Debts, Liabilities, and Expenses therein mentioned out of the Mercantile Marine Fund: And whereas it was arranged that a Sum to be ascertained by the Calculation of Actuaries should before the said last-mentioned Act came into operation be paid by the *Trinity House* out of the Cash Balances then in their Hands for the Purpose of supplying a Deficiency in the Funds of the Cinque Ports Pilots, and of indemnifying the Funds of the *Trinity House* Pilots against any Loss consequent upon the Settlements to be made under the Pilotage Law Amendment Act, 1853: And whereas when the Merchant Shipping Law Amendment Act, 1853, came into operation, the said Calculation was not completed: Be it enacted, That such Payment may, with the Consent of the Board of Trade, be made by the *Trinity House* in the same Manner as Payment of the Debts, Liabilities, and Expenses referred to in the said Twelfth Section of the said last-mentioned Act; and this Section shall come into operation immediately after the passing of this Act.

9 Provision as to Wages. &c. received before 1852.

All Monies arising from any Wages and Effects of deceased Seamen or Apprentices to the Sea Service which were received before the First Day of *January* One thousand eight hundred and fifty-two shall be applied in the same Manner as if the same had been received under the Provisions of " The Merchant Shipping Act, 1854:"

10 Receiver General to conform to Directions of Board of Trade.

The Receiver General of Droits of Admiralty shall, as to all Things to be done by him in virtue of his Office, conform to all lawful Directions given for that Purpose by the Board of Trade; and on a Vacancy occurring in his Office no Successor shall be appointed, but thereupon all Powers and Privileges vested in such Receiver General shall be transferred to the Board of Trade ; and this Section shall come into operation immediately after the passing of this Act.

11 Powers of Board of Trade as to Appointment of Receivers.

Receivers appointed by the said Receiver General under the Act of the Tenth Year of the Reign of Her present Majesty, Chapter Ninety-nine, shall hold their Offices only during the Pleasure of the Board of Trade ; and the Serjeants of the Admiralty of the Cinque Ports, their Deputies or other Officers, authorized to perform the Duties and to exercise the Powers within the Jurisdiction of the Cinque Ports elsewhere performed and exercised by such Receivers as aforesaid, shall perform and exercise the same only during the Pleasure and subject to the Directions of the Board of Trade; and all such Receivers, Serjeants, Deputies, and other Officers as aforesaid shall possess in the several Districts within which they have hitherto exercised their Duties the same Powers, Rights, and Privileges, and perform the same Duties, as are by the said Merchant Shipping Act, 1854, vested in and committed to the Receivers therein mentioned, save only that they shall not be entitled to take the Command in Cases of Ships or Boats stranded or in distress, unless authorized so to do by the Board of Trade.

12 Payment of Receivers.

There shall be payable to such Receivers, Serjeants, Deputies, and other Officers as aforesaid such Tees and other Remuneration as are by the, said Merchant Shipping Act, 1854, made payable to Receivers appointed thereunder, and Payment thereof shall be made by the same Persons and in the same Manner, and shall be capable of being enforced by the same Means, as Payment of the Tees or other Remuneration payable to the Receivers appointed under " The Merchant Shipping Act, 1854," are payable or capable of being enforced, or as near thereto as Circumstances permit; and, save as aforesaid, and saving also any Expenses actually and properly incurred, no such Receiver, Serjeant, Deputy, or other Officer as aforesaid shall be entitled to demand or receive from any Person any Fees or other Sums in respect of any Services performed by him as Receiver; and this Section shall come into operation immediately after the passing of this Act,

13 Application of Fees.

All Fees or other Remuneration received by any such Receiver, Serjeant, Deputy, or other Officer as aforesaid may be applied by him to his own Use.

14 Ninth Part of Merchant Shipping Act, 1854, to come into operation immediately.

The Provisions contained in the Ninth Part of " The Merchant Shipping Act, 1854," shall come into operation at the same Time as if the same were herein repeated, and were hereby expressed to be intended to come into operation immediately after the passing of this Act; and the following Acts, that is to say, the Act of the Seventh Year of King *George* the Second, Chapter Fifteen, the Act of the Twenty-sixth Year of King *George* the Third, Chapter Eighty-six, and the Act of the Fifty-third Year of King *George* the Third, Chapter One hundred and fifty-nine, shall be considered as repealed immediately after the passing of this Act.

15 Mode of Procedure Criminal Cases.

All Criminal Proceedings under " The Seamen's Fund Winding-up Act, 1851," "The Pilotage Law Amendment Act, 1853," "The Merchant Shipping Law Amendment Act, 1853," or this Act, shall be carried on in the same Manner as similar Proceedings under " The Merchant Shipping Act, 1854 ;" and all Rules of Law, Practice, and Evidence which are applicable to such last-mentioned Proceedings shall be applicable to Criminal Proceedings under this Act.

16 Penalty on Masters of Ships leaving certain Seamen in Distress in this Country.

If a Native of any Country in *Asia*, *Africa*, or of any of the Islands in the *South Sea* or the *Pacific Ocean*, or of any other Country not having any Consul in the United Kingdom, is brought to the United Kingdom in any Ship, *British* or Foreign, as a Seaman, and is left in the United Kingdom, and within Six Months of his being so left becomes chargeable upon the Poor Rate, or commits any Act by reason, of the Committal whereof he is liable to be convicted as an idle and disorderly Person, or any other Act of Vagrancy, the Master or Owner of the said Ship, or in case of a Foreign Ship the Person who is Consignee of the Ship at the Time of the Seaman being so left as aforesaid, shall- incur a Penalty not exceeding Thirty Pounds, unless he can show that the Person so left as aforesaid quitted the Ship without the Consent of the Master,

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or that due Means have been afforded by such Master, Owner, or Consignee, or One of them, to such Person, of returning to his Native Country, or to the Country in which he was shipped; and the Court inflicting such Penalty may order the whole or any Part of such Penalty to be applied towards the Relief or sending Home of such Person.

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SCHEDULE TO WHICH
THIS ACT REFERS.

ACTS AND PARTS OF ACTS TO BE REPEALED

Reference to Act.	Title of Act.	Extent of Repeal.
8 Eliz. Cap. 13.	An Act touching Sea Marks and Mariners.	The whole Act, except Section 5.
12 Anne, Stat. 2. Cap. 18.	An Act for the preserving all such Ships and Goods thereof which shall happen to be forced on shore or stranded on the Coasts of this Kingdom or on any other of Her Majesty's Dominions.	So much as is not already repealed.
4 Geo. 1. Cap. 12.	An Act for enforcing and making perpetual an Act of the Twelfth Year of Her late Majesty, intituled "An Act for the preserving all " such Ships and Goods thereof which shall " happen to be forced on shore or stranded " upon the Coasts of this Kingdom or any " other of Her Majesty's Dominions ;" and for inflicting the Punishment of Death on such as shall wilfully burn or destroy Ships.	So much as is not already repealed.
7 Geo. 2. Cap. 15.	An Act to settle how far Owners of Ships shall be answerable for the Acts of the Masters or Mariners.	The whole Act.
20 Geo. 2. Cap. 38.	An Act for the Relief and Support of maimed disabled Seamen, and the Widows and Children of such as shall be killed, slain, or drowned in the Merchant Service.	So much as is not already repealed.
26 Geo. 2. Cap. 19.	An Act for enforcing the Laws against Persons who shall steal or detain shipwrecked Goods, and for the Relief of Persons suffering Losses thereby.	So much as is not already repealed.
26 Geo. 3. Cap. 86.	An Act to explain and amend an Act made in the Seventh Year of His late Majesty's	The whole Act.

Reference to Act.	Title of Act.	Extent of Repeal.
	Reign, intituled " An Act to settle how far Owners of Ships shall be answerable for the Acts " of the Masters or Mariners ;" and forgiving a further Relief to the Owners of Ships.	
26 Geo. 3. Cap. 101.	An Act for erecting certain Lighthouses in the Northern Parts of Great Britain.	The whole Act.
28 Geo. 3. Cap. 25.	An Act to render more effectual an Act passed in the Twenty-sixth Year of His present Majesty's Reign, intituled " An Act for erecting " certain Lighthouses in the Northern Parts " of Great Britain."	The whole Act.
29 Geo. 3. Cap. 52.	An Act to give further Powers to the Commissioners for erecting certain Lighthouses in the Northern Parts of Great Britain.	The whole Act.
38 Geo. 3. Cap. 57. (Local and Personal.)	An Act for incorporating the Commissioners appointed for erecting certain Lighthouses in the Northern Parts of Great Britain.	The whole Act.
46 Geo. 3. Cap. 106.	An Act to provide for the better Execution of the several Acts relating to the Revenues, Matters, and Things under the Management of the Commissioners of Customs and Port Duties, and of the Commissioners of Inland Excise and Taxes in Ireland.	Sections 75 and 76.
46 Geo. 3. Cap. 132.	An Act for erecting a Lighthouse on the Bell or Cape Rock on the Eastern Coast of Scotland, and for enabling the Commissioners of the Treasury to advance a certain Sum of Money out of the Consolidated Fund of Great Britain towards that Purpose.	The whole Act.

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Reference to Act.	Title of Act.	Extent of Repeal.
48 Geo. 3. Cap. 130.	An Act for preventing the various Frauds and Depredations committed on Merchants, Shipowners, and Underwriters, by Boatmen and others, within the Jurisdiction of the Cinque Ports, and also for remedying certain Defects relative to the Adjustment of Salvage under a Statute made in the Twelfth Year of the Reign of Her late Majesty Queen Anne.	The whole Act.
50 Geo. 3. Cap. 95.	An Act to enable the Corporation for preserving and improving the Port of Dublin to erect, repair, and maintain Lighthouses round the Coast of Ireland, and to raise a Fund for defraying the Charge thereof.	The whole Act.
51 Geo. 3. Cap. 66.	An Act to amend and render more effectual several Acts for promoting the Trade of Dublin, by rendering its Port and Harbour more commodious, and for erecting, repairing, and maintaining Lighthouses round the Coast of Ireland, and to raise a Fund for defraying the Charge thereof.	The whole Act, so far as relates to Lighthouses and Light Dues.
52 Geo. 3. Cap. 115.	An Act to make more effectual Provision for enabling the Corporation for preserving and improving the Port of Dublin to erect, repair, and maintain Lighthouses and Lights round the Coasts of Ireland, and to raise a Fund for defraying the Charge thereof.	The whole Act.
53 Geo. 3. Cap. 159.	An Act to limit the Responsibility of Ship Owners in certain Cases.	The whole Act.
54 Geo. 3. Cap. 136.	An Act for enabling the Commissioners of the Northern Lighthouses to purchase the Island and Light	The whole Act.

Reference to Act.	Title of Act.	Extent of Repeal.
	of May at the Entrance of the Frith of Forth, for enabling the Commissioners of the Treasury to advance .a certain Sum of Money towards that Purpose, and for amending several Acts in regard to the Northern Lighthouses.	
55 Geo. 3. Cap.lxvii. (Local and Personal.)	An Act for enabling the Commissioners of the Northern Lighthouses to erect Lighthouses on the Isles of Man and Calf of Man.	The whole Act.
59 Geo. 3. Cap. 12.	An Act to amend the Laws for the Relief of the Poor.	Section 32.
1 & 2 Geo. 4. Cap. 76.	An Act to continue and amend certain Acts for preventing the various Frauds and Depredations committed on Merchants, Shipowners, and Underwriters, by Boatmen and others, within the Jurisdiction of the Cinque Ports, and also for remedying certain Defects relative to the Adjustment of Salvage under a Statute made in the Twelfth Year of the Reign of Her late Majesty Queen Anne.	The whole Act, except Sections 1, 2, 3, 4, 5, 15, 16, and 18.
4 Geo. 4. Cap. 88.	An Act for regulating Vessels carrying Passengers between Great Britain and Ireland.	The whole Act.
6 Geo. 4. Cap. 125.	An Act for the Amendment of the Law respecting Pilots and Pilotage, and also for the better preservation of Floating Lights, Buoys, and Beacons.	The whole Act.
9 Geo. 4. Cap. 86.	An Act to amend an Act for the Amendment of the Law respecting Pilots and Pilotage, and also for the better Preservation of Floating Lights, Buoys, and Beacons.	The whole Act.
11 Geo. 4. Cap. 20.	An Act to amend and consolidate the Laws relating to the Pay of the Royal Navy.	Section 82.

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Reference to Act.	Title of Act.	Extent of Repeal.
4 & 5 Wm. 4. Cap. 52.	An Act to amend an Act of the Twentieth Year of His Majesty King George the Second, for the Relief and Support of sick, maimed, and disabled Seamen, and the Widows and Children of such as shall be killed, slain, or drowned in the Merchant Service, and for other Purposes.	So much as is not already repealed.
5 & 6 Wm. 4. Cap. 19.	An Act to amend and consolidate the Laws relating to the Merchant Seamen of the United Kingdom, and for forming and maintaining a Register of all the Men engaged in that Service.	So much as is not already repealed.
6 & 7 Wm. 4. Cap. 79.	An Act for vesting Lighthouses, Lights, and Sea Marks on the Coasts of England in the Corporation of Trinity House of Deptford Strond ; and for making Provisions respecting Lighthouses, Lights, Buoys, and Beacons, and Sea Marks, and the Tolls and Duties payable in respect thereof.	The whole Act.
1 & 2 Vict. Cap. 66.	An Act for maintaining a Lighthouse at Gibraltar, and respecting Lighthouses not within the United Kingdom.	The whole Act.
3 & 4 Vict. Cap. 68.	An Act to enable Her Majesty in Council to authorize Ships and Vessels belonging to Countries having Treaties of Reciprocity with the United Kingdom to be piloted, in certain Cases, without having a licensed Pilot on board; and also to regulate the Mode in which Pilot Boats shall be painted and distinguished.	The whole Act.
7 & 8 Vict. Cap. 112.	An Act to amend and consolidate the Laws relating to Merchant Seamen ; and	The whole Act.

Reference to Act.	Title of Act.	Extent of Repeal.
	for keeping a Register of Seamen.	
8 & 9 Vict. Cap. 86.	An Act for the General Regulation of the Customs.	Sections 45. 51. 53. and 140.
8 & 9 Vict. Cap. 87.	An Act for the Prevention of Smuggling	Section 10.
8 & 9 Vict. Cap. 89.	An Act for the registering of British Vessels	The whole Act.
8 & 9 Vict. Cap. 116.	An Act for the Protection of Seamen entering on board Merchant Ships.	The whole Act.
9 & 10 Vict. Cap. 99.	An Act for consolidating and amending the Laws relating to Wreck and Salvage.	The whole Act.
12 & 13 Vict. Cap. 29.	An Act to amend the Laws in force for the Encouragement of British Shipping and Navigation.	The whole Act.
12 & 13 Vict. Cap. 88.	An Act to amend the Laws relating to Pilotage.	The whole Act.
13 & 14 Vict. Cap. 93.	An Act for improving the Condition of Masters, Mates, and Seamen, and maintaining Discipline in the Merchant Service.	The whole Act.
13 & 14 Vict. Cap. 95.	An Act to amend the Laws relating to the Customs.	Section 14.
14 & 15 Vict. Cap. 35.	An Act to extend the Benefits of certain Provisions of the General Merchant Seamen's Act relating to Apprentices bound to the Sea Service to Apprentices bound to the Sea Service by Boards of Guardians of the Poor in Ireland, and to enable such Guardians to place out Boys in the Naval Service.	The whole Act, except Section 10.
14 & 15 Vict. Cap. 79.	An Act to consolidate and amend the Laws relating to the Regulation of Steam Navigation, and to the Boats and Lights to be carried by sea-going Vessels.	The whole Act.

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Reference to Act.	Title of Act.	Extent of Repeal.
14 & 15 Vict. Cap. 96.	An Act to amend the Mercantile Marine Act, 1850.	The whole Act.
14 & 15 Vict. Cap. 102.	An Act to amend the Acts relating to the Merchant Seamen's Fund, and to provide for winding up the said Fund, and for the better Management thereof in the meantime.	Sections 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 61.
16 & 17 Vict. Cap. 129	An Act further to amend the Law relating to Pilotage.	The whole Act, except Sections 3, 4, 5, 8, 10, 11, 12, 13, and so much of Section 9 as relates to the Recovery of Pilotage Rates by Cinque Ports Pilots licensed before the Act came into operation.
16 & 17 Vict, Cap. 131.	An Act to amend various Laws relating to Merchant Shipping.	The whole Act except Sections 12, 13, 24, 28, and 29.
17 & 18 Vict. Cap. 5.	An Act to admit Foreign Ships to the Coasting. Trade.	Section 4.