



Merchant Shipping Act 1894

1894 CHAPTER 60 57 and 58 Vict

PART I

REGISTRY

Modifications etc. (not altering text)

- C1 Pt. I extended by [Merchant Shipping Act 1921 \(c. 28\), s. 1](#)
- C2 Pt. I (ss. 1–91) excluded by [Merchant Shipping Act 1983 \(c. 13, SIF 111\), s. 5\(2\)](#)
- C3 Pt. I (ss. 1–91) excluded by [Merchant Shipping Act 1988 \(c. 12, SIF 111\), s. 13\(2\)\(a\)](#), (with s. 58(4), Sch. 8 para. 1)
- C4 Pt. I (ss. 1–91) amended by [Merchant Shipping Act 1988 \(c. 12, SIF 111\), ss. 3\(1\), 4, 10\(2\)](#), (with s. 58(4), Sch. 8 para. 1)
- C5 Pt. I (ss. 1–91) excluded by [S.I. 1988/1911, art. 5](#)
- C6 Pt. I (down to and including s. 67) applied with modifications by [Merchant Shipping Act 1988 \(c. 12, SIF 111\), s. 47\(3\)\(7\)](#), (with s. 58(4), Sch. 8 para. 1)
- C7 Pt. I (ss. 1–91) extended by [S.I. 1988/1926, reg. 45](#)
- C8 Pt. I (ss. 1–91) restricted by [S.I. 1991/770, art. 3\(1\)](#).
- C9 Pt. I (ss. 1–91) restricted (13.8.1992) by [S.I. 1992/1736, art. 3](#)

1–3 F1

Textual Amendments

- F1 Ss. 1–3 repealed and superseded by [Merchant Shipping Act 1988 \(c. 12, SIF 111\), ss. 1, 10, 57\(5\), Sch. 1 para. 1, Sch. 7](#), (with s. 58(4), Sch. 8 para. 1)

Status: Point in time view as at 01/05/1995. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1894. (See end of Document for details)

Procedure for Registration

- 4 ^{F2}(1)
- (2) ^{F3}
- ^{F2}(3)

Textual Amendments

- F2** S. 4(1)(3) repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)
- F3** S. 4(2) repealed by Merchant Shipping Act 1988 (c. 12, SIF 111), ss. 10, 57(5), Sch. 1 para. 2(b), **Sch. 7**, (with s. 58(4), Sch. 8 para. 1)

^{F4}5

Textual Amendments

- F4** S. 5 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

^{F5}6

Textual Amendments

- F5** S. 6 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

^{F6}7

Textual Amendments

- F6** S. 7 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

^{F7}8

Textual Amendments

- F7** S. 8 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

^{F8}9

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Textual Amendments

F8 S. 9 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

F9 **10**

Textual Amendments

F9 S. 10 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

F10 **11**

Textual Amendments

F10 S. 11 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

F11 **12**

Textual Amendments

F11 S. 12 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt. I**; S.I 1993/3137, art. 3(1)

F12 **13**

Textual Amendments

F12 S. 13 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

Certificate of Registry

F13 **14**

Textual Amendments

F13 S. 14 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

F14 **15**

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Textual Amendments

F14 S. 15 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

^{F15}**16**

Textual Amendments

F15 S. 16 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

^{F16}**17**

Textual Amendments

F16 S. 17 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt. I**; S.I 1993/3137, art. 3(1)

^{F17}**18**

Textual Amendments

F17 S. 18 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

19 ^{F18}

Textual Amendments

F18 S. 19 repealed by Merchant Shipping Act 1988 (c. 12, SIF 111), ss. 10, 57(5), Sch. 1 para. 11, **Sch. 7**, (with s. 58(4), Sch. 8 para. 1)

^{F19}**20**

Textual Amendments

F19 S. 20 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

^{F20}**21**

Textual Amendments

F20 S. 21 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

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F21 **22**

Textual Amendments

F21 S. 22 repealed (21.3.1994) by 1993 c. 22, s. 8(4), Sch. 5 Pt.I; S.I 1993/3137, art. 3(1)

F22 **23**

Textual Amendments

F22 S. 23 repealed (21.3.1994) by 1993 c. 22, s. 8(4), Sch. 5 Pt.I; S.I 1993/3137, art. 3(1)

Transfers and Transmissions

F23 **24**

Textual Amendments

F23 S. 24 repealed (21.3.1994) by 1993 c. 22, s. 8(4), Sch. 5 Pt.I; S.I 1993/3137, art. 3(1)

F24 **25**

Textual Amendments

F24 S. 25 repealed (21.3.1994) by 1993 c. 22, s. 8(4), Sch. 5 Pt.I; S.I 1993/3137, art. 3(1)

F25 **26**

Textual Amendments

F25 S. 26 repealed (21.3.1994) by 1993 c. 22, s. 8(4), Sch. 5 Pt.I; S.I 1993/3137, art. 3(1)

F26 **27**

Textual Amendments

F26 S. 27 repealed (21.3.1994) by 1993 c. 22, s. 8(4), Sch. 5 Pt.I; S.I 1993/3137, art. 3(1)

F27 **28**

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Textual Amendments

F27 S. 28 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

F28²⁹

Textual Amendments

F28 S. 29 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

F29³⁰

Textual Amendments

F29 S. 30 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

Mortgages

F30³¹

Textual Amendments

F30 S. 31 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

F31³²

Textual Amendments

F31 S. 32 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

F32³³

Textual Amendments

F32 S. 33 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

F33³⁴

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Textual Amendments

F33 S. 34 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

^{F34}**35**

Textual Amendments

F34 S. 35 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

^{F35}**36**

Textual Amendments

F35 S. 36 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

^{F36}**37**

Textual Amendments

F36 S. 37 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

^{F37}**38**

Textual Amendments

F37 S. 38 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

39–46 ^{F38}

Textual Amendments

F38 Ss. 39–46 repealed by Merchant Shipping Act 1988 (c. 12, SIF 111), ss. 10, 57(5), Sch. 1 para. 25, **Sch. 7**, (with s. 58(4), Sch. 8 para. 1)

Name of Ship

^{F39}**47**

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Textual Amendments

F39 S. 47 repealed (21.3.1994) by 1993 c. 22, s. 8(4), [Sch. 5 Pt.I](#); S.I 1993/3137, art. 3(1)

Registry of Alterations, Registry anew, and Transfer of Registry

^{F40}**48**

Textual Amendments

F40 S. 48 repealed (21.3.1994) by 1993 c. 22, s. 8(4), [Sch. 5 Pt.I](#); S.I 1993/3137, art. 3(1)

^{F41}**49**

Textual Amendments

F41 S. 49 repealed (21.3.1994) by 1993 c. 22, s. 8(4), [Sch. 5 Pt.I](#); S.I 1993/3137, art. 3(1)

^{F42}**50**

Textual Amendments

F42 S. 50 repealed (21.3.1994) by 1993 c. 22, s. 8(4), [Sch. 5 Pt.I](#); S.I 1993/3137, art. 3(1)

^{F43}**51**

Textual Amendments

F43 S. 51 repealed (21.3.1994) by 1993 c. 22, s. 8(4), [Sch. 5 Pt.I](#); S.I 1993/3137, art. 3(1)

^{F44}**52**

Textual Amendments

F44 S. 52 repealed (21.3.1994) by 1993 c. 22, s. 8(4), [Sch. 5 Pt.I](#); S.I 1993/3137, art. 3(1)

^{F45}**53**

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Textual Amendments

F45 S. 53 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt. I**; S.I 1993/3137, art. 3(1)

^{F46}**53A**

Textual Amendments

F46 S. 53A repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

^{F47}**53B**

Textual Amendments

F47 S. 53B repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

54 ^{F48}

Textual Amendments

F48 S. 54 repealed by Merchant Shipping Act 1988 (c. 12, SIF 111), ss. 10, 57(5), Sch. 1 para. 31, **Sch. 7**, (with s. 58(4), Sch. 8 para. 1)

Incapacitated Persons

55 ^{F49}

Textual Amendments

F49 S. 55 repealed by Merchant Shipping Act 1988 (c. 12, SIF 111), ss. 10, 57(5), Sch. 1 para. 32, **Sch. 7**, (with s. 58(4), Sch. 8 para. 1)

Trusts and Equitable Rights

^{F50}**56**

Textual Amendments

F50 S. 56 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

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F51 **57**

Textual Amendments

F51 S. 57 repealed (21.3.1994) by 1993 c. 22, s. 8(4), Sch. 5 Pt.I; S.I 1993/3137, art. 3(1)

Liability of Beneficial Owner

F52 **58**

Textual Amendments

F52 S. 58 repealed (21.3.1994) by 1993 c. 22, s. 8(4), Sch. 5 Pt.I; S.I 1993/3137, art. 3(1)

Managing Owner

F53 **59**

Textual Amendments

F53 S. 59 repealed (21.3.1994) by 1993 c. 22, s. 8(4), Sch. 5 Pt.I; S.I 1993/3137, art. 3(1)

Declarations, Inspection of Register, and Fees.

F54 **60**

Textual Amendments

F54 S. 60 repealed (21.3.1994) by 1993 c. 22, s. 8(4), Sch. 5 Pt.I; S.I 1993/3137, art. 3(1)

61 (1) F55

F56 (2)

Textual Amendments

F55 S. 61(1) repealed by Merchant Shipping Act 1988 (c. 12, SIF 111), ss. 10, 57(5), Sch. 1 para. 35, Sch. 7, (with s. 58(4), Sch. 8 para. 1)

F56 S. 61(2) repealed (21.3.1994) by 1993 c. 22, s. 8(4), Sch. 5 Pt.I; S.I 1993/3137, art. 3(1)

F57 **62**

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Textual Amendments

F57 S. 62 repealed (21.3.1994) by 1993 c. 22, s. 8(4), [Sch. 5 Pt.I](#); S.I 1993/3137, art. 3(1)

Returns, Evidence, and Forms

^{F58} **63**

Textual Amendments

F58 S. 63 repealed (21.3.1994) by 1993 c. 22, s. 8(4), [Sch. 5 Pt.I](#); S.I 1993/3137, art. 3(1)

^{F59} **64**

Textual Amendments

F59 S. 64 repealed (21.3.1994) by 1993 c. 22, s. 8(4), [Sch. 5 Pt.I](#); S.I 1993/3137, art. 3(1)

^{F60} **65**

Textual Amendments

F60 S. 65 repealed (21.3.1994) by 1993 c. 22, s. 8(4), [Sch. 5 Pt.I](#); S.I 1993/3137, art. 3(1)

Forgery and false Declarations

[^{F61} **66** **Forgery of documents: Scotland**

- (1) In Scotland if any person forges or fraudulently alters—
- (a) any entry or endorsement in the register kept under section 1 of the Merchant Shipping (Registration, etc) Act 1993; or
 - (b) subject to subsection (2) below, any other document as respects which provision is made by, under or by virtue of that Act or this Part of this Act (or any entry or endorsement, in or on such other document and as respects which provision is so made),
- he shall be liable—
- (i) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding six months or to both; or
 - (ii) on conviction on indictment, to a fine or to imprisonment or to both.
- (2) Subsection (1)(b) above does not apply in respect of actings which constitute an offence under section 695(4) or 722(1) of this Act.]

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Textual Amendments

F61 S. 66 substituted (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para.71**; S.I. 1993/3137, **art. 3(2)**

^{F62}**67**

Textual Amendments

F62 S. 67 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

National Character and Flag

^{F63}**68**

Textual Amendments

F63 S. 68 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

^{F64}**69**

Textual Amendments

F64 S. 69 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt. I**; S.I 1993/3137, art. 3(1)

^{F65}**70**

Textual Amendments

F65 S. 70 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

71 ^{F66}

Textual Amendments

F66 S. 71 repealed by **Merchant Shipping Act 1988 (c. 12, SIF 111)**, ss. 10, 57(5), **Sch. 1 para. 43, Sch. 7**, (with s. 58(4), Sch. 8 para. 1)

^{F67}**72**

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Textual Amendments

F67 S. 72 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I. 1993/3137, art. 3(1)

F68⁷³

Textual Amendments

F68 S. 73 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I. 1993/3137, art. 3(1)

F69⁷⁴

Textual Amendments

F69 S. 74 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I. 1993/3137, art. 3(1)

F70⁷⁵

Textual Amendments

F70 S. 75 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

Forfeiture of Ship

76 Proceedings on forfeiture of ship.

(1) Where any ship has either wholly or as to any share therein become subject to forfeiture under this Part of this Act.

- (a) any commissioned officer on full pay in the military or naval service of Her Majesty; [^{F71}or
- (b) any person appointed by the Secretary of State for the purposes of this section;]

may seize and detain the ship, and bring her for adjudication before the High Court in England or Ireland, or before the Court of Session in Scotland, . . . ^{F72}and the court may thereupon adjudge the ship with her tackle, apparel, and furniture to be forfeited to Her Majesty, and make such order in the case as to the court seems just, and may award to the officer [^{F73}or other person]bringing in the ship for adjudication such portion of the proceeds of sale of the ship, or any share therein, as the court thinks fit.

(2) Any such officer [^{F74}or other person as is mentioned in subsection (1) of this section]shall not be responsible either civilly or criminally to any person whomsoever in respect of any such seizure or detention as aforesaid, notwithstanding that the ship has not been brought in for adjudication, or if so brought in is declared not liable to forfeiture, it is shown to the satisfaction of the court before whom any trial relating to such ship or such seizure or detention is held that there were reasonable grounds

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for such seizure or detention; but if no such grounds are shown the court may award costs and damages to any party aggrieved, and make such other order in the premises as the court thinks just.

Textual Amendments

- F71** S. 76(1)(b) substituted by Merchant Shipping Act 1988 (c. 12, SIF 111), s. 10, **Sch. 1 para. 47(2)(a)**, (with s. 58(4), Sch. 8 para. 1)
- F72** Words repealed by Merchant Shipping Act 1988 (c. 12, SIF 111), ss. 10, 57(5), Sch. 1 para. 47(2)(b), **Sch. 7**, (with s. 58(4), Sch. 8 para. 1)
- F73** Words inserted by Merchant Shipping Act 1988 (c. 12, SIF 111), s. 10, **Sch. 1 para. 47(2)(c)**, (with s. 58(4), Sch. 8 para. 1)
- F74** Words substituted by Merchant Shipping Act 1988 (c. 12, SIF 111), s. 10, **Sch. 1 para. 47(3)**, (with s. 58(4), Sch. 8 para. 1)

Modifications etc. (not altering text)

- C10** Reference to Ireland to be construed as exclusive of Republic of Ireland: S.R. & O. 1923/405 (Rev. X, p. 298: 1923, p. 400), art. 2
- C11** S. 76 applied by Merchant Shipping Act 1988 (c. 12, SIF 111), s. 22(10)

Measurement of Ship and Tonnage

77–81 ^{F75}

Textual Amendments

- F75** Ss. 77–81 repealed by Merchant Shipping Act 1965 (c. 47), **Sch. 2**

82 Tonnage once ascertained to be the tonnage of ship.

Whenever the tonnage of any ship has been ascertained and registered in accordance with the tonnage regulations of this Act, [^{F76}that tonnage shall be treated as the tonnage of the ship except so far as registration regulations provide, in specified circumstances, for the ship to be re-measured and the register amended accordingly.].

Textual Amendments

- F76** Words in s. 82 substituted (21.3.1994) by 1993 c. 22, s. 8(1), **Sch. 2 para. 2(a)**; S.I. 1993/3137, **art. 3(1)**

Modifications etc. (not altering text)

- C12** S. 82 excluded by Merchant Shipping Act 1965 (c. 47), s. 1(5)

^{F77}**83**

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Textual Amendments

F77 S. 83 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

84 Tonnage of ships of foreign countries adopting tonnage regulations.

- (1) Whenever it appears to Her Majesty the Queen in Council that the tonnage regulations of this Act have been adopted by any foreign country, and are in force there, Her Majesty in Council may order that the ships of that country shall, without being re-measured in [^{F78}the United Kingdom], be deemed to be of the tonnage denoted in their certificates of registry or other national papers, in the same manner, to the same extent, and for the same purposes as the tonnage denoted in the certificate of registry of a [^{F79}registered]ship is deemed to be the tonnage of that ship, . . . ^{F80}[^{F81}and any space shown by the certificate of registry or other national papers of any such ship as deducted from the tonnage shall, where a similar deduction in the case of a [^{F79}registered]ship depends on compliance with any conditions or on the compliance being evidenced in any manner, be deemed to comply with those conditions and to be so evidenced, 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 which would be required if the ship were a [^{F82}registered ship]]
- (2) Her Majesty in Council may limit the time during which the Order is to remain in operation, and make the Order subject to such conditions and qualifications (if any) as Her Majesty may deem expedient, and the operation of the Order shall be limited and modified accordingly.
- (3) If it is made to appear to Her Majesty that the tonnage of any foreign ship, as measured by the rules of the country to which she belongs, materially differs from that which would be her tonnage if measured under this Act, Her Majesty in Council may order that, notwithstanding any Order in Council for the time being in force under this section, any of the ships of that country may, for all or any of the purposes of this Act, be remeasured in accordance with this Act.

Textual Amendments

- F78** Words substituted by [Merchant Shipping Act 1988 \(c. 12, SIF 111\)](#), s. 10, **Sch. 1 para. 48(a)**, (with s. 58(4), Sch. 8 para. 1)
- F79** Words substituted by [Merchant Shipping Act 1988 \(c. 12, SIF 111\)](#), s. 10, **Sch. 1 para. 48(b)**, (with s. 58(4), Sch. 8 para. 1)
- F80** Words repealed by [Merchant Shipping Act 1965 \(c. 47\)](#), **Sch. 2**
- F81** Words added by [Merchant Shipping Act 1965 \(c. 47\)](#), **Sch. 1**
- F82** Words substituted by [Merchant Shipping Act 1988 \(c. 12, SIF 111\)](#), s. 10, **Sch. 1 para. 48(c)**, (with s. 58(4), Sch. 8 para. 1)

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Textual Amendments

F83 S. 85 repealed by Merchant Shipping Act 1988 (c. 12, SIF 111), ss. 10, 57(5), Sch. 1 para. 49, **Sch. 7**, (with s. 58(4), Sch. 8 para. 1)

^{F84}**86**

Textual Amendments

F84 S. 86 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

^{F85}**87**

Textual Amendments

F85 S. 87 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

88–90 ^{F86}

Textual Amendments

F86 Ss. 88–90 repealed by Merchant Shipping Act 1988 (c. 12, SIF 111), ss. 10, 57(5), Sch. 1 para. 50, **Sch. 7**, (with s. 58(4), Sch. 8 para. 1)

91 ^{F87}

Textual Amendments

F87 S. 91 repealed by Merchant Shipping Act 1988 (c. 12, SIF 111), ss. 10, 57(5), Sch. 1 para. 51, **Sch. 7**, (with s. 58(4), Sch. 8 para. 1)

^{F88}**PART II**

MASTERS AND SEAMEN

Textual Amendments

F88 Pt. II (ss. 92–266) repealed by 1970 c. 36, s. 100, **Sch. 5** which repeal is brought partly into force by virtue of S.I. 1981/1186, **Sch.**, Appendix; S.I. 1982/840, **Sch.**, Appendix; S.I. 1986/2066, art. 2(2), **Sch. 2**, Appendix and is wholly in force at 1.5.1995 by virtue of S.I. 1995/965, **art. 2**

Status: Point in time view as at 01/05/1995. This version of this Act contains provisions that are not valid for this point in time.
Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1894. (See end of Document for details)

Certificates of Competency

Modifications etc. (not altering text)

C13 Ss. 92—100, 102—104 extended by [South Africa Act 1962 \(c. 23\)](#), [Sch. 3 para. 6](#)

VALID FROM 01/10/1995

F89⁹²

Textual Amendments

F89 Pt. II (ss. 92-266) repealed by [1970 c. 36, s. 100](#), [Sch. 5](#) which repeal is brought partly into force by virtue of [S.I. 1981/1186, Sch.](#), Appendix; [S.I. 1982/840, Sch.](#), Appendix; [S.I. 1986/2066, art. 2\(2\)](#), [Sch. 2](#), Appendix and is wholly in force at 1.5.1995 by virtue of [S.I. 1995/965, art. 2](#)

F90⁹³

Textual Amendments

F90 Pt. II (ss. 92-266) repealed by [1970 c. 36, s. 100](#), [Sch. 5](#) which repeal is brought partly into force by virtue of [S.I. 1981/1186, Sch.](#), Appendix; [S.I. 1982/840, Sch.](#), Appendix; [S.I. 1986/2066, art. 2\(2\)](#), [Sch. 2](#), Appendix and is wholly in force at 1.5.1995 by virtue of [S.I. 1995/965, art. 2](#)

94, 95. **F91**

Textual Amendments

F91 Ss. 94, 95 repealed by [Merchant Shipping \(Certificates\) Act 1914 \(c. 42\)](#), [s. 1\(3\)](#)

F92⁹⁶

Textual Amendments

F92 Pt. II (ss. 92-266) repealed by [1970 c. 36, s. 100](#), [Sch. 5](#) which repeal is brought partly into force by virtue of [S.I. 1981/1186, Sch.](#), Appendix; [S.I. 1982/840, Sch.](#), Appendix; [S.I. 1986/2066, art. 2\(2\)](#), [Sch. 2](#), Appendix and is wholly in force at 1.5.1995 by virtue of [S.I. 1995/965, art. 2](#)

F93⁹⁷

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Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1894. (See end of Document for details)

Textual Amendments

F93 Pt. II (ss. 92-266) repealed by 1970 c. 36, s. 100, **Sch. 5** which repeal is brought partly into force by virtue of S.I. 1981/1186, **Sch.**, Appendix; S.I. 1982/840, **Sch.**, Appendix; S.I. 1986/2066, art. 2(2), **Sch. 2**, Appendix and is wholly in force at 1.5.1995 by virtue of S.I. 1995/965, **art. 2**

F94⁹⁸

Textual Amendments

F94 Pt. II (ss. 92-266) repealed by 1970 c. 36, s. 100, **Sch. 5** which repeal is brought partly into force by virtue of S.I. 1981/1186, **Sch.**, Appendix; S.I. 1982/840, **Sch.**, Appendix; S.I. 1986/2066, art. 2(2), **Sch. 2**, Appendix and is wholly in force at 1.5.1995 by virtue of S.I. 1995/965, **art. 2**

F95⁹⁹

Textual Amendments

F95 Pt. II (ss. 92-266) repealed by 1970 c. 36, s. 100, **Sch. 5** which repeal is brought partly into force by virtue of S.I. 1981/1186, **Sch.**, Appendix; S.I. 1982/840, **Sch.**, Appendix; S.I. 1986/2066, art. 2(2), **Sch. 2**, Appendix and is wholly in force at 1.5.1995 by virtue of S.I. 1995/965, **art. 2**

F96¹⁰⁰

Textual Amendments

F96 Pt. II (ss. 92-266) repealed by 1970 c. 36, s. 100, **Sch. 5** which repeal is brought partly into force by virtue of S.I. 1981/1186, **Sch.**, Appendix; S.I. 1982/840, **Sch.**, Appendix; S.I. 1986/2066, art. 2(2), **Sch. 2**, Appendix and is wholly in force at 1.5.1995 by virtue of S.I. 1995/965, **art. 2**

F97¹⁰¹

Textual Amendments

F97 Pt. II (ss. 92-266) repealed by 1970 c. 36, s. 100, **Sch. 5** which repeal is brought partly into force by virtue of S.I. 1981/1186, **Sch.**, Appendix; S.I. 1982/840, **Sch.**, Appendix; S.I. 1986/2066, art. 2(2), **Sch. 2**, Appendix and is wholly in force at 1.5.1995 by virtue of S.I. 1995/965, **art. 2**

F98¹⁰²

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Textual Amendments

F98 Pt. II (ss. 92-266) repealed by 1970 c. 36, s. 100, **Sch. 5** which repeal is brought partly into force by virtue of S.I. 1981/1186, **Sch.**, Appendix; S.I. 1982/840, **Sch.**, Appendix; S.I. 1986/2066, art. 2(2), **Sch. 2**, Appendix and is wholly in force at 1.5.1995 by virtue of S.I. 1995/965, **art. 2**

F99 **103**

Textual Amendments

F99 Pt. II (ss. 92-266) repealed by 1970 c. 36, s. 100, **Sch. 5** which repeal is brought partly into force by virtue of S.I. 1981/1186, **Sch.**, Appendix; S.I. 1982/840, **Sch.**, Appendix; S.I. 1986/2066, art. 2(2), **Sch. 2**, Appendix and is wholly in force at 1.5.1995 by virtue of S.I. 1995/965, **art. 2**

F100 **104**

Textual Amendments

F100 Pt. II (ss. 92-266) repealed by 1970 c. 36, s. 100, **Sch. 5** which repeal is brought partly into force by virtue of S.I. 1981/1186, **Sch.**, Appendix; S.I. 1982/840, **Sch.**, Appendix; S.I. 1986/2066, art. 2(2), **Sch. 2**, Appendix and is wholly in force at 1.5.1995 by virtue of S.I. 1995/965, **art. 2**

105– **F101**
109

Textual Amendments

F101 Ss. 105–109, 113–125, 127–144 repealed by Merchant Shipping Act 1970 (c. 36), s. 100, **Sch. 5**

Licences to supply Seamen

F102 **110**

Textual Amendments

F102 S. 110 repealed (3.1.1995) by 1994 c. 40, ss. 35, 81, Sch. 10 Pt. II para. 3, **Sch. 17**; S.I. 1994/3188, **arts. 2,3**

F103 **111**

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Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1894. (See end of Document for details)

Textual Amendments
F103 S. 111 repealed (3.1.1995) by 1994 c. 40, ss. 35, 81, Sch. 10 Pt. II para. 3, **Sch. 17**; S.I. 1994/3188, arts. 2,3

F104 112

Textual Amendments
F104 S. 112 repealed (3.1.1995) by 1994 c. 40, ss. 35, 81, Sch. 10 Pt. II para. 3, **Sch. 17**; S.I. 1994/3188, arts. 2,3

113– F105
125

Textual Amendments
F105 Ss. 105–109, 113–125, 127–144 repealed by Merchant Shipping Act 1970 (c. 36), s. 100, **Sch. 5**

Rating of Seamen

F106 126

Textual Amendments
F106 S. 126 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, art. 3(2)

127– F107
144

Textual Amendments
F107 Ss. 105–109, 113–125, 127–144 repealed by Merchant Shipping Act 1970 (c. 36), s. 100, **Sch. 5**

145, F108
146.

Textual Amendments
F108 Ss. 145, 146 repealed by Merchant Shipping Act 1970 (c. 36), s. 100, Sch. 4 para. 2, **Sch. 5**

147 F109

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Textual Amendments

F109 S. 147 repealed by Merchant Shipping Act 1970 (c. 36), s. 100, **Sch. 5**

148– **F110**
153

Textual Amendments

F110 Ss. 148–153 repealed by Merchant Shipping Act 1970 (c. 36), s. 100, Sch. 4 para. 3, **Sch. 5**

154– **F111**
197

Textual Amendments

F111 Ss. 154–208 repealed by Merchant Shipping Act 1970 (c. 36), s. 100, **Sch. 5**

Provisions, Health, and Accommodation

198– **F112**
208

Textual Amendments

F112 Ss. 154–208 repealed by Merchant Shipping Act 1970 (c. 36), s. 100, **Sch. 5**

F113 **209**

Textual Amendments

F113 Pt. II (ss. 92-266) repealed by 1970 c. 36, s. 100, **Sch. 5** which repeal is brought partly into force by virtue of S.I. 1981/1186, **Sch.**, Appendix; S.I. 1982/840, **Sch.**, Appendix; S.I. 1986/2066, art. 2(2), **Sch. 2**, Appendix and is wholly in force at 1.5.1995 by virtue of S.I. 1995/965, **art. 2**

F114 **210**

Textual Amendments

F114 Pt. II (ss. 92-266) repealed (1.5.1995) by 1970 c. 36, s. 100, **Sch. 5**; S.I. 1995/965, **art. 2**

211– **F115**
250

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Textual Amendments

F115 Ss. 211–253 repealed by Merchant Shipping Act 1970 (c. 36), s. 100, **Sch. 55**

Registration of and Returns respecting Seamen

251– **F116**
253

Textual Amendments

F116 Ss. 211–253 repealed by Merchant Shipping Act 1970 (c. 36), s. 100, **Sch. 55**

254 **F117**

Textual Amendments

F117 S. 254 repealed by Merchant Shipping Act 1970 (c. 36), s. 100, Sch. 4 para. 4, **Sch. 5**

255 **F118**

Textual Amendments

F118 S. 255 repealed by Merchant Shipping Act 1970 (c. 36), s. 100, **Sch. 5**

F119 **256**

Textual Amendments

F119 Pt. II (ss. 92–266) repealed (1.5.1995) by 1970 c. 36, s. 100, **Sch. 5**; S.I. 1995/965, **art. 2**

257– **F120**
266

Textual Amendments

F120 Ss. 257–266, 268–270 repealed by Merchant Shipping Act 1970 (c. 36), s. 100, **Sch. 5**

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PART III

PASSENGER AND EMIGRANT SHIPS

Modifications etc. (not altering text)

- C14** Pt. III amended by Merchant Shipping Act 1906 (c. 48), s. 15 and Merchant Shipping (Safety Convention) Act 1949 (c. 43), s. 26(1)

1. DEFINITIONS

†Definition of Passenger Steamer and Passenger

Modifications etc. (not altering text)

- C15** Unreliable margin note

^{F121}267

Textual Amendments

- F121** S. 267 repealed (1.6.1995 with effect as mentioned in reg. 1(5)) by S.I. 1995/1210, reg. 1(4)(a)(5)

267 Definition of “passenger” and “passenger steamer.” **U.K.**

For the purposes of this Part of this Act—

^{F488}

.....
The expression “passenger steamer” shall mean every British steamship carrying passengers to, from, or between any places in the United Kingdom except steam ferry boats working in chains (commonly called steam bridges) . . . ^{F489}

Textual Amendments

- F488** Definition of “passenger” repealed by Merchant Shipping (Safety Convention) Act 1949 (c. 43), Sch. 3
F489 Words repealed by Merchant Shipping Act 1906 (c. 48), Sch. 2

Modifications etc. (not altering text)

- C116** S. 267 amended by Merchant Shipping Act 1906 (c. 48), s. 13 and Merchant Shipping Act 1964 (c. 47), s. 17(2)

268– ^{F122}
270

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Textual Amendments

F122 Ss. 257–266, 268–270 repealed by [Merchant Shipping Act 1970 \(c. 36\)](#), s. 100, [Sch. 5](#)

2. PASSENGER STEAMERS

Survey of Passenger Steamers

271 Annual survey of passenger steamers.

- [^{F123}(1) Every passenger steamer which carries more than twelve passengers shall be surveyed once at least in each year in the manner provided in this Part of this Act; and no ship (other than a steam ferry boat working in chains) shall proceed to sea or on any voyage or excursion with more than twelve passengers on board, unless there is in force in respect of the ship a certificate as to survey under this Part of this Act, applicable to the voyage or excursion on which the ship is about to proceed, or that voyage or excursion is one in respect of which [^{F124}the Board of Trade] has exempted the ship from the requirements of this subsection.]
- (2) A passenger steamer attempting to ply or go to sea may be detained until such certificate as aforesaid is produced to the proper [^{F125}officer of customs and excise][^{F126}unless the voyage or excursion on which she is about to proceed is one in respect of which she has been exempted as aforesaid.]
- [^{F127}(3) If a ship proceeds to sea or on any voyage or excursion when it is prohibited from doing so by subsection (1) of this section, the owner and the master of the ship shall each be guilty of an offence and liable on conviction on indictment to a fine or on summary conviction to a fine not exceeding one thousand pounds.]

Textual Amendments

F123 S. 271(1) substituted by [Merchant Shipping Act 1964 \(c. 47\)](#), s. 17(1)

F124 Words substituted by virtue of S.I. 1965/145, arts. 2, 3(2), [Sch. 1](#)

F125 Words substituted by virtue of [Customs and Excise Management Act 1979 \(c. 2\)](#), [Sch. 4 para. 1](#)

F126 Words inserted by [Merchant Shipping Act 1964 \(c. 47\)](#), s. 17(1)

F127 S. 271(3) inserted by [Merchant Shipping Act 1979 \(c. 39\)](#), [Sch. 6 Pt. VII para. 3](#)

Modifications etc. (not altering text)

C16 S. 271(3) amended by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 49(1)

272 Mode of survey and declaration of survey.

- (1) The owner of every passenger steamer shall cause the same to be surveyed by a [^{F128}ship surveyor] of ships and an engineer surveyor of ships [^{F129}and, in the case of a sea-going passenger steamer required to be provided with a [^{F130}radio installation], by a wireless telegraphy surveyor] the [^{F128}ship surveyor] being, in the case of an iron steamer, a person properly qualified in the opinion of the Board of Trade to survey an iron steamer.

- (2) ^{F131}

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(3)–(5) . . . ^{F132}

Textual Amendments

- F128** Words substituted by virtue of Merchant Shipping Act 1906 (c. 48), s. 75(1)
F129 Words inserted by Merchant Shipping (Safety and Load Line Conventions) Act 1932 (c. 9), s. 9(1)
F130 Words substituted by Merchant Shipping (Safety Convention) Act 1949 (c. 43), s. 35(5)
F131 S. 272(2) repealed by S.I. 1981/568, reg. 3
F132 S. 272(3)–(5) repealed by Merchant Shipping (Safety Convention) 1949 Act (c. 43), s.13(1), 37, Sch. 3

Modifications etc. (not altering text)

- C17** S. 272 amended by Merchant Shipping Act 1906 (c. 48), s. 75(3) and Merchant Shipping (Safety and Load Line Conventions) Act 1932 (c. 9), s. 9(1); modified by Merchant Shipping (Safety Convention) Act 1949 (c. 43), s. 15

273 Transmission of declaration.

- (1) The owner of a steamer surveyed shall within fourteen days after the receipt by him of a declaration of survey transmit it to the Board of Trade.
- (2) If an owner fails without reasonable cause so to transmit a declaration of survey, he shall forfeit a sum not exceeding [^{F133}50p] for every day during which the transmission is delayed, and any sum so forfeited shall be payable on the granting of a certificate in addition to the fee, and shall be applied in the same manner as the fee.

Textual Amendments

- F133** Words substituted by virtue of Decimal Currency Act 1969 (c. 19), s. 10(1)

274 Issue of passenger steamer's certificate.

On the receipt of the declarations of survey, the Board of Trade shall, if satisfied that this Part of this Act has been complied with, issue in duplicate a passenger steamer's certificate, that is to say, a certificate stating such compliance and stating, according to the declarations—

- (a) the limits (if any) beyond which the steamer is not fit to ply; and
- (b) the number of passengers which the steamer is fit to carry, distinguishing, if necessary, the number to be carried in each part of the steamer, and any conditions and variations to which the number is subject.

Modifications etc. (not altering text)

- C18** S. 274 modified by Merchant Shipping (Safety Convention) Act 1949 (c. 43), s. 15

275 Appeal to court of survey.

- (1) If the owner of a steamer feels aggrieved by the declaration of survey of a [^{F134}ship] or engineer surveyor [^{F135}or wireless telegraphy surveyor] or by the refusal of such a surveyor to give such a declaration, he may appeal to the court of survey for the port

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or district where the steamer for the time being is, in manner directed by the rules of that court.

- (2) On any such appeal the judge of the court of survey shall report to the Board of Trade on the question raised by the appeal and the Board, when satisfied that the requirements of the report and of the foregoing provisions of this Part of this Act have been complied with, may grant a passenger steamer's certificate.
- (3) Subject to any order made by the judge of the court of survey the costs of and incidental to the appeal shall follow the event.
- (4) A [^{F134}ship] or engineer surveyor [^{F135}or wireless telegraphy surveyor] in making a survey of a steamer for the purpose of a declaration of survey shall, if the owner of the steamer so requires, be accompanied on the survey by some person appointed by the owner, and in that case, if the surveyor and the person so appointed agree, there shall be no appeal under this section to the court of survey.

Textual Amendments

F134 Words substituted by virtue of [Merchant Shipping Act 1906 \(c. 48\), s. 75\(1\)](#)

F135 Words inserted by [Merchant Shipping \(Safety and Load Line Conventions\) Act 1932 \(c. 9\), s. 9\(3\)](#)

276 Transmission of certificate.

- (1) The Board of Trade shall transmit the passenger steamer's certificate in duplicate to a superintendent or some other public officer at the port mentioned by the owner of the steamer for the purpose, or at the port where the owner or his agent resides, or where the steamer has been surveyed or is for the time lying.
- (2) The Board of Trade shall cause notice of the transmission to be given to the master or owner of his agent, and the officer to whom the certificate has been transmitted shall, on the owner, master, or agent applying and paying the proper fee and other sums (if any) mentioned in this Act as payable in that behalf, deliver to him both copies of the certificate.
- (3) In proving the issue of a passenger steamer's certificate it shall be sufficient to show that the certificate was duly received by the said officer, and that due notice of the transmission was given to the owner, master, or agent.

277 Fees for certificate.

The grantee of a passenger steamer's certificate shall pay such fees . . . ^{F136}, as the Board of Trade fix.

Textual Amendments

F136 Words repealed by [Merchant Shipping \(Safety Convention\) Act 1949 \(c. 43\), Sch. 3](#)

278 Duration of certificates.

- (1) A passenger steamer's certificate shall not be in force for more than one year from the date of its issue, or any shorter time specified in the certificate, nor after notice

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is given by the Board of Trade to the owner, agent, or master of the steamer, that the Board have cancelled it.

- (2) If a passenger steamer is absent from the United Kingdom at the time when her certificate expires, a fine shall not be incurred for want of a certificate until she first begins to ply with passengers after her next return to the United Kingdom.

279 Cancellation of certificate.

- (1) The Board of Trade may cancel a passenger steamer's certificate where they have reason to believe—
- (a) that any declaration of survey on which the certificate was founded has been in any particular made fraudulently or erroneously; or,
 - (b) that the certificate has been issued upon false or erroneous information; or,
 - (c) that since the making of the declaration, the hull, equipments, or machinery have sustained any injury, or are otherwise insufficient.
- (2) In every such case the Board of Trade may require the owner to have the hull equipment or machinery of the steamer again surveyed, and to transmit further declarations of survey, before they re-issue the certificate or grant a fresh one in lieu thereof.

280 Delivery up of certificate.

- (1) The Board of Trade may require a passenger steamer's certificate, which has expired or been cancelled, to be delivered up as they direct.
- (2) If any owner or master fails without reasonable cause to comply with such requirement, he shall for each offence be liable to a fine not exceeding [F137[F138£50]] [F137]level 2 on the standard scale].

Textual Amendments

F137 Words “level 2 on the standard scale” substituted (E.W.S.) for “£50” by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), s. 289G](#)

F138 Word substituted by virtue of [Merchant Shipping Act 1979 \(c. 39\), s. 43\(1\), Sch. 6 Pt. I](#)

Modifications etc. (not altering text)

C19 [S. 280](#) modified (1.5.1994) by [1993 c. 22, s. 8\(3\), Sch. 4 para.16](#); [S.I. 1993/3137, art. 3\(2\)](#)

281 Posting up of certificate.

- (1) The owner or master of every passenger steamer required to have a passenger steamer's certificate shall forthwith on the receipt of the certificate by him or his agent cause one of the duplicates to be put up in some conspicuous place on board the steamer, so as to be legible to all persons on board, and to be kept so put up and legible while the certificate remains in force, and the steamer is in use.
- (2) If the owner or master fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding [F139[F140£50]] [F139]level 2 on the standard scale].

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- (3) If a passenger steamer plies or goes to sea with passengers on board, and this section is not complied with, then for each offence the owner thereof shall be liable to a fine not exceeding [F141[F142£200]][F141level 4 on the standard scale], and the master shall also be liable to a further fine not exceeding [F141[F142£200]][F141level 4 on the standard scale].

Textual Amendments

- F139** Words “level 2 on the standard scale” substituted (E.W.S.) for “£50” by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289G](#)
- F140** Word substituted by virtue of [Merchant Shipping Act 1979 \(c. 39\)](#), [s. 43\(1\)](#), [Sch. 6 Pt. I](#)
- F141** Words “level 4 on the standard scale” substituted (E.W.S.) for “£200” by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#)
- F142** Words substituted by virtue of [Merchant Shipping \(Load Lines\) Act 1967 \(c. 27, SIF 111\)](#), [s. 25](#), [Sch. 1](#) (as amended by [Merchant Shipping Act 1979 \(c. 39, SIF 111\)](#), [s. 43](#), [Sch. 6 Pt. VI para. 7](#))

Modifications etc. (not altering text)

- C20** [S. 281](#) modified (1.5.1994) by [1993 c. 22, s. 8\(3\)](#), [Sch. 4 para.16](#); [S.I. 1993/3137](#), [art. 3\(2\)](#)

282 Penalty for forgery of certificate or declaration.

If any person—

- (a) ^{F143} . . . wilfully makes, or assists in making, or procures to be made, a false or fraudulent declaration of survey or passenger steamer’s certificate; ^{F144}or
- (b) forges, assists in forging, procures to be forged, fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any such declaration or certificate, or anything contained in, or any signature to any such declaration or certificate;]

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

Textual Amendments

- F143** Words in [s. 282\(a\)](#) repealed (1.5.1994) by [1993 c. 22, s. 8\(4\)](#), [Sch. 5 Pt.II](#); [S.I. 1993/3137](#), [art. 3\(2\)](#)
- F144** Words repealed (E.W.N.I.) by [Forgery and Counterfeiting Act 1981 \(c. 45, SIF 39:7\)](#), [s. 30](#), [Sch. Pt. I](#)

Modifications etc. (not altering text)

- C21** [S. 282\(a\)](#) modified (1.5.1994) by [1993 c. 22, s. 8\(3\)](#), [Sch. 4 para. 16](#); [S.I. 1993/3137](#), [art. 3\(2\)](#)

283 Penalty for carrying passengers in excess.

The owner or master of any passenger steamer shall not receive on board thereof, or on or in any part thereof, any number of passengers which, having regard to the time, occasion, and circumstances of the case, is greater than the number allowed by the passenger steamer’s certificate, and if he does so, he shall for each offence be liable ^{F145}on summary conviction to a fine not exceeding £50,0 and on conviction on indictment to a fine].

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Textual Amendments

F145 Words substituted by virtue of Merchant Shipping (Load Lines) Act 1967 (c. 27, SIF 111), s. 25, **Sch. 1** (as amended by Merchant Shipping Act 1979 (c. 39, SIF 111), s. 43, **Sch. 6 Pt. VI para. 7**)

Modifications etc. (not altering text)

C22 S. 283 amended by Merchant Shipping Act 1906 (c. 48), s. 22

F146 **284**

Textual Amendments

F146 S. 284 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

General Equipment of Passenger Steamers

F147 **285**

Textual Amendments

F147 S. 285 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

F148 **286**

Textual Amendments

F148 S. 286 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

Keeping Order in Passenger Steamers

287 Offences in connexion with passenger steamers.

- (1) If any of the following offences is committed in the case of a passenger steamer for which there is a passenger steamer's certificate in force; (that is to say,)
- (a) If any person being drunk or disorderly has been on that account refused admission thereto by the owner or any person in his employment, and, after having the amount of his fare (if he has paid it) returned or tendered to him, nevertheless persists in attempting to enter the steamer:
 - (b) If any person being drunk or disorderly on board the steamer is requested by the owner or any person in his employ to leave the steamer at any place in the United Kingdom, at which he can conveniently do so, and, after having the amount of his fare (if he has paid it) returned or tendered to him, does not comply with the request:

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Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1894. (See end of Document for details)

- (c) If any person on board the steamer, after warning by the master or other officer thereof, molests or continues to molest any passenger:
- (d) If any person, after having been refused admission to the steamer by the owner or any person in his employ on account of the steamer being full, and having had the amount of his fare (if he has paid it) returned or tendered to him, nevertheless persists in attempting to enter the steamer:
- (e) If any person having gone on board the steamer at any place, and being requested, on account of the steamer being full, by the owner or any person in his employ to leave the steamer, before it has quitted that place, and having had the amount of his fare (if he has paid it) returned or tendered to him, does not comply with that request:
- ^{F149}(f)
- ^{F149}(g)
- (h) If any person on arriving in the steamer at a point to which he has paid his fare knowingly and wilfully refuses or neglects to quit the steamer: and
- (i) If any person on board the steamer fails, when requested by the master or other officer thereof, either to pay his fare or exhibit such ticket or other receipt, if any, showing the payment of his fare, as is usually given to persons travelling by and paying their fare for the steamer:

the person so offending shall for each offence be liable to a fine not exceeding [^{F150}[^{F151}£50]][^{F150}level 2 on the standard scale], but that liability shall not prejudice the recovery of any fare payable by him.

- (2) If any person on board any such steamer wilfully does or causes to be done anything in such a manner as to obstruct or [^{F152}damage] any part of the machinery or tackle of the steamer, or to obstruct, impede, or molest the crew, or any of them, in the navigation or management of the steamer, or otherwise in the execution of their duty on or about the steamer, he shall for each offence be liable to a fine not exceeding [^{F150}[^{F151}£50]][^{F150}level 2 on the standard scale].
- (3) The master or other officer of any such steamer, and all persons called by him to his assistance, may, without any warrant, detain any person who commits any offence against this section and whose name and address are unknown to the master or officer, and [^{F152}deliver that person to a constable]
- (4) If any person commits an offence against this section and on the application of the master of the steamer, or any other person in the employ of the owner thereof, refuses to give his name and address, or gives a false name or address, that person shall be liable to a fine not exceeding [^{F150}[^{F151}£50]][^{F150}level 2 on the standard scale][^{F153}and the fine shall be paid to the owner of the steamer.]

Textual Amendments

F149 S. 287(1)(f)(g) repealed (1.5.1994) by 1993 c. 22, s. 8(3)(4), Sch. 4 para. 14(a), **Sch. 5 Pt. II**; S.I. 1993/3137, **art. 3(2)**

F150 Words “level 2 on the standard scale” substituted (E.W.S.) for “£50” by virtue of (E.W.) **Criminal Justice Act 1982** (c. 48, SIF 39:1), **s. 46** and (S.) **Criminal Procedure (Scotland) Act 1975** (c. 21, SIF 39:1), **s. 289G**

F151 Word substituted by virtue of **Merchant Shipping Act 1979** (c. 39), s. 43(1), **Sch. 6 Pt. I**

F152 Words in s. 287(2)(3) substituted (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para. 14(b)(c)**; S.I. 1993/3137, **art. 3(2)**

F153 Words repealed (E.W.) by **Justices of the Peace Act 1949** (c. 101), **Sch. 7 Pt. III**

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Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1894. (See end of Document for details)

288 Power to exclude drunken passengers on home trade passenger steamers.

The master of any home trade passenger steamer may refuse to receive on board thereof any person who by reason of drunkenness or otherwise is in such a state, or misconducts himself in such a manner, as to cause annoyance or injury to passengers on board, and if any such person is on board, may put him on shore at any convenient place; and a person so refused admittance or put on shore shall not be entitled to the return of any fare he has paid.

3. EMIGRANT SHIPS

289– ^{F154}
355

Textual Amendments

F154 Ss. 289–355, 357, 358, 359(2), 360(1)(2) repealed by Merchant Shipping Act 1970 (c. 36), s. 100, **Sch. 5**

Legal Proceedings

^{F155}**356**

Textual Amendments

F155 S. 356 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

357, ^{F156}
358.

Textual Amendments

F156 Ss. 289–355, 357, 358, 359(2), 360(1)(2) repealed by Merchant Shipping Act 1970 (c. 36), s. 100, **Sch. 5**

Supplemental

^{F157}**359**

Textual Amendments

F157 S. 359 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

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- 360** (1) **F158**
 (3) **F159**

Textual Amendments
F158 Ss. 289–355, 357, 358, 359(2), 360(1)(2) repealed by Merchant Shipping Act 1970 (c. 36), s. 100, **Sch. 5**
F159 S.360(3) repealed by Merchant Shipping Act 1979 (c. 39), **Sch. 7 Pt. II**

- 361,** **F160**
362.

Textual Amendments
F160 Ss. 361, 362, 364, 365 repealed by Merchant Shipping Act 1970 (c. 36), s. 100, **Sch. 5**

363 Exemption from survey of foreign passenger steamer or emigrant ship in certain cases.

Where a foreign ship is a passenger steamer . . . ^{F161} within the meaning of this Part of this Act, and the Board of Trade are satisfied, by the production of a foreign certificate of survey attested by a British consular officer at a port out of Her Majesty’s dominions, that the ship has been officially surveyed at that port, and are satisfied that any requirements of this Act are proved by that survey to have been substantially complied with, the Board may, if they think fit, dispense with any further survey of the ship in respect of any requirement so complied with, and grant or direct one of their officers to grant a certificate, which shall have the same effect as if given upon survey under this Part of this Act:

Provided that Her Majesty in Council may order that this section shall not apply in the case of an official survey at any port at which it appears to Her Majesty that corresponding advantages are not extended to British ships.

Textual Amendments
F161 Words repealed by Merchant Shipping Act 1970 (c. 36), s. 100, **Sch. 5**

Application of Part III as regards Emigrant Ships

- 364,** **F162**
365.

Textual Amendments
F162 Ss. 361, 362, 364, 365 repealed by Merchant Shipping Act 1970 (c. 36), s. 100, **Sch. 5**

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F163 **366**

Textual Amendments

F163 S. 366 repealed (1.5.1994) by 1993 c. 22, s. 8(4), Sch. 5 Pt.II; S.I. 1993/3137, art. 3(2)

F164 **367**

Textual Amendments

F164 S. 367 repealed (1.5.1994) by 1993 c. 22, s. 8(4), Sch. 5 Pt.II; S.I. 1993/3137, art. 3(2)

368 F165

Textual Amendments

F165 S. 368 repealed by Statute Law (Repeals) Act 1976 (c. 16), Sch. 1 Pt. VII

368A F166

Textual Amendments

F166 S. 368A repealed by Burma Independence Act 1947 (11 & 12 Geo. 6 c. 3), s. 5, Sch. 2 Pt. I

PART IV

369 F167

Textual Amendments

F167 S. 369 repealed by Merchant Shipping Act 1970 (c. 36), ss. 100, 101(4), Sch. 5

370 F168

Textual Amendments

F168 S. 370 repealed by Merchant Shipping Act 1988 (c. 12, SIF 111), s. 57(5), Sch. 7, (with s. 58(4), Sch. 8 para. 1)

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371 **F169**

Textual Amendments

F169 S. 371 repealed by Merchant Shipping Act 1970 (c. 36), ss. 100, 101(4), **Sch. 5**

372– **F170**
374

Textual Amendments

F170 Ss. 372–374 repealed by Merchant Shipping Act 1988 (c. 12, SIF 111), s. 57(5), **Sch. 7**, (with s. 58(4), Sch. 8 para. 1)

375 **F171**

Textual Amendments

F171 S. 375 repealed by Merchant Shipping Act 1937 (c. 23), **s. 2**

376– **F172**
384

Textual Amendments

F172 Ss. 376–384, 387–389, 391–412 repealed by Merchant Shipping Act 1970 (c. 36), s. 100, **Sch. 5**

385– **F173**
386

Textual Amendments

F173 Ss. 385, 386, 390, 413–417 repealed by Merchant Shipping Act 1970 (c. 36), ss. 100, 101(4), **Sch. 5**

387– **F174**
389

Textual Amendments

F174 Ss. 376–384, 387–389, 391–412 repealed by Merchant Shipping Act 1970 (c. 36), s. 100, **Sch. 5**

390 **F175**

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Textual Amendments

F175 Ss. 385, 386, 390, 413–417 repealed by Merchant Shipping Act 1970 (c. 36), ss. 100, 101(4), **Sch. 5**

391– **F176**
412

Textual Amendments

F176 Ss. 376–384, 387–389, 391–412 repealed by Merchant Shipping Act 1970 (c. 36), s. 100, **Sch. 5**

413– **F177**
417

Textual Amendments

F177 Ss. 385, 386, 390, 413–417 repealed by Merchant Shipping Act 1970 (c. 36), ss. 100, 101(4), **Sch. 5**

PART V

SAFETY

Modifications etc. (not altering text)

C23 Pt. V amended by Merchant Shipping (Safety Convention) Act 1949 (c. 43), **ss. 23(3)(4), 24(1)(2)**

Prevention of Collisions

418 **F178**

Textual Amendments

F178 S. 418 repealed (with saving) to the extent that s. 418 relates to ships by S.I. 1983/708, **regs. 1(4)(a), 2**
S. 418 wholly repealed (1.5.1994) by 1993 c. 22, s. 8(3)(4), Sch. 4 para. 13(2), **Sch. 5, Pt.II**; S.I.
1993/3137, **art. 3(2)**

419 **F179**

Textual Amendments

F179 S. 419 repealed (with saving) to the extent that s. 419 relates to ships by S.I. 1983/708, **regs. 1(4)(a), 2**
S. 419 wholly repealed (1.5.1994) by 1993 c. 22, s. 8(3)(4), Sch. 4 para. 13(2), **Sch. 5 Pt.II**; S.I.
1993/3137, **art. 3(2)**

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420 ^{F180}

Textual Amendments

F180 S. 420 repealed (with saving) by S.I. 1983/708, reg. 2, **Sch. 2 Pt. I**

^{F181}**421**

Textual Amendments

F181 S. 421 repealed (1.5.1994) by 1993 c. 22, s. 8(3)(4), Sch. 4 para. 13(2), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

422 Duty of vessel to assist the other in case of collision.

(1) In every case of collision between two vessels, it shall be the duty of the master or person in charge of each vessel, if and so far as he can do so without danger to his own vessel crew and passengers (if any),

- (a) to render to the other vessel her master crew and passengers (if any) such assistance as may be practicable, and may be necessary to save them from any danger caused by the collision, and to stay by the other vessel until he has ascertained that she has no need of further assistance, and also
- (b) to give to the master or person in charge of the other vessel the name of his own vessel and ^{F182} . . . the names of the ports from which she comes and to which she is bound.

(2) ^{F183}

(3) If the master or person in charge fails without reasonable cause to comply with this section, he shall be guilty of [^{F184}an offence and—

- (a) in the case of a failure to comply with subsection (1)(a) of this section, liable on conviction on indictment to a fine and imprisonment for a term not exceeding two years and on summary conviction to a fine not exceeding fifty thousand pounds and imprisonment for a term not exceeding six months; and
- (b) in the case of a failure to comply with subsection (1)(b) of this section, liable on conviction on indictment to a fine and on summary conviction to a fine not exceeding one thousand pounds,

and in either case], and, if he is a certificated officer, an inquiry into his conduct may be held, and his certificate cancelled or suspended.

Textual Amendments

F182 Words in s. 422(1)(b) repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I. 1993/3137, **art. 3(1)**

F183 S. 422(2) repealed by **Maritime Conventions Act 1911 (c. 57), s. 4(2)**

F184 Words substituted by **Merchant Shipping Act 1979 (c. 39), Sch. 6 Pt. VII para. 6**

Modifications etc. (not altering text)

C24 S. 422 extended by S.I. 1972/971, **Sch. 1 Pt. A**

C25 S. 422 amended (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para. 6(2)(a)**; S.I. 1993/3137, **art. 3(2)**

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Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1894. (See end of Document for details)

C26 S. 76 applied by Merchant Shipping Act 1988 (c. 12, SIF 111), s. 22(10)

423 **F185**

Textual Amendments

F185 Ss. 423, 425, 426 repealed by Merchant Shipping Act 1970 (c. 36), s. 100, **Sch. 5**

424 **F186**

Textual Amendments

F186 S. 424 repealed (with saving) by S.I. 1983/708, reg. 2, **Sch. 2 Pt. I**

425, **F187**
426.

Textual Amendments

F187 Ss. 423, 425, 426 repealed by Merchant Shipping Act 1970 (c. 36), s. 100, **Sch. 5**

Life-saving Appliances

F188 **427**

Textual Amendments

F188 S. 427 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

F189 **428**

Textual Amendments

F189 S. 428 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

F190 **429**

Textual Amendments

F190 S. 429 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

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F191 430

Textual Amendments

F191 S. 430 repealed (1.5.1994) by 1993 c. 22, s. 8(4), Sch. 5 Pt.II; S.I. 1993/3137, art. 3(2)(with saving)

F192 431

Textual Amendments

F192 S. 431 repealed (1.5.1994) by 1993 c. 22, s. 8(4), Sch. 5 Pt.II; S.I. 1993/3137, art. 3(2)

General Equipment

F193 432

Textual Amendments

F193 S. 432 repealed (1.5.1994) by 1993 c. 22, s. 8(4), Sch. 5 Pt.II; S.I. 1993/3137, art. 3(2)

F194 433

Textual Amendments

F194 S. 433 repealed (1.5.1994) by 1993 c. 22, s. 8(4), Sch. 5 Pt.II; S.I. 1993/3137, art. 3(2)

434 F195

Textual Amendments

F195 S. 434 repealed by Merchant Shipping (Safety and Load Line Conventions) Act 1932 (c. 9), Sch. 4 Pt. I

435 F196

Textual Amendments

F196 S. 435 repealed by Merchant Shipping (Safety Convention) Act 1949 (c. 43), Sch. 3

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Draught of Water and Load-Line

F197 **436**

Textual Amendments

F197 S. 436 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

437– F198
445

Textual Amendments

F198 Ss. 437–445 repealed by Merchant Shipping (Safety and Load Line Conventions) Act 1932 (c. 9), **Sch. 4 Pt. II**

Dangerous Goods

F199 **446**

Textual Amendments

F199 S. 446 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

F200 **447**

Textual Amendments

F200 S. 448 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

F201 **448**

Textual Amendments

F201 S. 448 repealed (1.5.1994) by 1993 c. 22, s. 8(3)(4), Sch. 4 para. 11(1), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

449 Forfeiture of dangerous goods improperly sent or carried.

- (1) Where any dangerous goods have been sent or carried, or attempted to be sent or carried, on board any vessel, British or foreign, without being marked [F202 as required by safety regulations], or without such notice having been given [F202 as required by safety regulations], or under a false description, or with a false description of the

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sender or carrier thereof, any court having Admiralty jurisdiction may declare those goods, and any package or receptacle in which they are contained, to be, and they shall thereupon be, forfeited, and when forfeited, shall disposed of as the court direct.

(2) The court shall have, and may exercise, the aforesaid powers of forfeiture and disposal notwithstanding that the owner of the goods has not committed any offence under the provisions of [^{F202}safety regulations] relating to dangerous goods, and is not before the court, and has not notice of the proceedings, and notwithstanding that there is no evidence to show to whom the goods belong; nevertheless the court may, in their discretion, require such notice as they may direct to be given to the owner or shipper of the goods before they are forfeited.

[^{F203}(3) In this section—

“dangerous goods” means goods that are designated as dangerous goods by safety regulations; and

“safety regulations” means regulations under section 21 of the Merchant Shipping Act 1979.]

Textual Amendments

F202 Words in s. 449(1)(2) substituted (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para. 11(2)(a)(b)**; S.I. 1993/3137, **art. 3(2)**

F203 S. 449(3) inserted (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para. 11(2)(c)**; S.I. 1993/3137, **art. 3(2)**

Modifications etc. (not altering text)

C27 Ss. 448–450 extended by S.I. 1972/971, **Sch. 1** Pt. A

^{F204}450

Textual Amendments

F204 S. 450 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

451 ^{F205}

Textual Amendments

F205 S. 451 repealed by **Merchant Shipping Act 1906** (c. 48), **Sch. 2**

452– ^{F206}
456

Textual Amendments

F206 Ss. 452–456 repealed by **Merchant Shipping (Safety Convention) Act 1949** (c. 43), **Sch. 3**

Status: Point in time view as at 01/05/1995. This version of this Act contains provisions that are not valid for this point in time.

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Unseaworthy Ships

457 F207

Textual Amendments

F207 S. 457 repealed by Merchant Shipping Act 1979 (c. 39), Sch. 7 Pt. II

458 **Obligation of shipowner to crew with respect to use of reasonable efforts to secure seaworthiness.**

(1) In every [^{F208}contract of employment], between the owner of a ship and the master or any seaman thereof, . . . ^{F209}there shall be implied, notwithstanding any agreement to the contrary, an obligation on the owner of the ship, that the owner of the ship, and the master, and every agent charged with the loading of the ship, or the preparing of the ship for sea, or the sending of the ship to sea, shall use all reasonable means to insure the seaworthiness of the ship for the voyage at the time when the voyage commences, and to keep her in a seaworthy condition for the voyage during the voyage.

(2) Nothing in this section—

(a) shall subject the owner of a ship to any liability by reason of the ship being sent to sea in an unseaworthy state where, owing to special circumstances, the sending of the ship to sea in such a state was reasonable and justifiable; or

^{F210}(b)

Textual Amendments

F208 Words in s. 458(1) substituted (1.5.1994) by 1993 c. 22, s. 8(3), Sch. 4 para. 7(a); S.I. 1993/3137, art. 3(2)

F209 Words repealed by Merchant Shipping Act 1970 (c. 36), s. 100, Sch. 5

F210 S. 458(2)(b) repealed (1.5.1994) by 1993 c. 22, s. 8(3)(4), Sch. 4 para. 7(b), Sch. 5 Pt.II; S.I. 1993/3137, art. 3(2)

Modifications etc. (not altering text)

C28 S. 458 restricted (1.5.1994) by 1993 c. 22, s. 8(3), Sch. 4 para. 6(1)(a); S.I. 1993/3137, art. 3(2)

^{F211}459

Textual Amendments

F211 S. 459 repealed (1.5.1994) by 1993 c. 22, s. 8(3)(4), Sch. 4 para. 12(1), Sch. 5 Pt.II; S.I. 1993/3137, art. 3(2)

^{F212}460

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Textual Amendments
F212 S. 460 repealed (1.5.1994) by 1993 c. 22, s. 8(3)(4), Sch. 4 para. 12(1), **Sch. 5 Pt.II**; S.I. 1993/3137, art. 3(2)

F213 **461**

Textual Amendments
F213 S. 461 repealed (1.5.1994) by 1993 c. 22, s. 8(3)(4), Sch. 4 para. 12(1), **Sch. 5 Pt.II**; S.I. 1993/3137, art. 3(2)

F214 **462**

Textual Amendments
F214 S. 462 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, art. 3(2)

463 F215

Textual Amendments
F215 S. 463 repealed by Merchant Shipping Act 1988 (c. 12, SIF 111), ss. 48, 57(5), Schs. 5, 7, (with s. 58(4), Sch. 8 para. 1)

PART VI

SPECIAL SHIPPING INQUIRIES AND COURTS

Modifications etc. (not altering text)
C29 Pt. VI applied with modifications by S.I. 1975/116, reg. 20, **Sch. 4**

~~464~~ F216
476

Textual Amendments
F216 Ss. 464–476, 479 repealed by Merchant Shipping Act 1970 (c. 36, SIF 111), ss. 100, 101(4), **Sch. 5**

477 F217

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Textual Amendments

F217 Ss. 477, 491, repealed by [Merchant Shipping Act 1970 \(c. 36\)](#), s. 100, **Sch. 5**

F218 **478**

.....
Textual Amendments

F218 S. 478 repealed (1.5.1994) by [1993 c. 22](#), s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

479 **F219**

.....
Textual Amendments

F219 Ss. 464–476, 479 repealed by [Merchant Shipping Act 1970 \(c. 36, SIF 111\)](#), ss. 100, 101(4), **Sch. 5**

Naval Courts on the High Seas and Abroad

F220 **480**

.....
Textual Amendments

F220 S. 480 repealed (1.5.1994) by [1993 c. 22](#), s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

F221 **481**

.....
Textual Amendments

F221 S. 481 repealed (1.5.1994) by [1993 c. 22](#), s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

F222 **482**

.....
Textual Amendments

F222 S. 482 repealed (1.5.1994) by [1993 c. 22](#), s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

F223 **483**

Status: Point in time view as at 01/05/1995. This version of this Act contains provisions that are not valid for this point in time.
Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1894. (See end of Document for details)

Textual Amendments
F223 S. 483 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

F224 **484**

Textual Amendments
F224 S. 484 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

F225 **485**

Textual Amendments
F225 S. 485 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

F226 **486**

Textual Amendments
F226 S. 486 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

Courts of Survey

F227 **487**

Textual Amendments
F227 S. 487 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

F228 **488**

Textual Amendments
F228 S. 488 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

F229 **489**

Status: Point in time view as at 01/05/1995. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1894. (See end of Document for details)

Textual Amendments

F229 S. 489 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

Scientific Referees

^{F230}**490**

Textual Amendments

F230 S. 490 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

491 ^{F231}

Textual Amendments

F231 Ss. 477, 491, repealed by Merchant Shipping Act 1970 (c. 36), s. 100, **Sch. 5**

PART VII

DELIVERY OF GOODS

Delivery of Goods and Lien for Freight

^{F232}**492**

Textual Amendments

F232 S. 492 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XV** Group6

^{F233}**493**

Textual Amendments

F233 S. 493 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XV** Group6

^{F234}**494**

Status: Point in time view as at 01/05/1995. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1894. (See end of Document for details)

Textual Amendments

F234 S. 494 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XV** Group6

^{F235}**495**

Textual Amendments

F235 S. 495 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XV** Group6

^{F236}**496**

Textual Amendments

F236 S. 496 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XV** Group6

^{F237}**497**

Textual Amendments

F237 S. 497 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XV** Group6

^{F238}**498**

Textual Amendments

F238 S. 498 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XV** Group6

^{F239}**499**

Textual Amendments

F239 S. 499 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XV** Group6

^{F240}**500**

Textual Amendments

F240 S. 500 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XV** Group6

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Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1894. (See end of Document for details)

F241 **501**

Textual Amendments

F241 S. 501 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XV** Group6

PART VIII

502– F242
509

Textual Amendments

F242 Pt. VIII (ss. 502–509) repealed by Merchant Shipping Act 1979 (c. 39, SIF 111), ss. 50(4), 52(2), **Sch. 7 Pt. I**

PART IX

WRECK AND SALVAGE

Modifications etc. (not altering text)

C30 Pt. IX extended by S. R. & O. 1938/136 (Rev. I, p. 1329: 1938 I, p. 72), art. 2 and **Crown Proceedings Act 1947 (c. 44), s. 8**; amended by **Sea Fisheries Act 1968 (c. 77), s. 17**

Vessels in Distress

510 Definition of “wreck” and “salvage.”

In this Part of this Act unless the context otherwise requires—

- (1) The expression “wreck” includes jetsam, flotsam, lagan, and derelict found in or on the shores of the sea or any tidal water:
- (2) The expression “salvage” includes all expenses, properly incurred by the salvor in the performance of the salvage services.

511 Duty of receiver where vessel in distress.

- (1) Where a British or foreign vessel is wrecked, stranded, or in distress at any place on or near the coasts of the United Kingdom or any tidal water within the limits of the United Kingdom, the receiver of wreck for the district in which that place is situate shall, upon being made acquainted with the circumstance, forthwith proceed there, and upon his arrival shall take the command of all persons present, and shall assign such duties and give such directions to each person as he thinks fit for the preservation of the vessel and of the lives of the persons belonging to the vessel (in this Part of this Act referred to as shipwrecked persons) and of the cargo and apparel of the vessel.

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- (2) If any person wilfully disobeys the direction of the receiver, he shall for each offence be liable to a fine not exceeding [^{F243}fifty pounds][^{F243}level 3 on the standard scale]; but the receiver shall not interfere between the master and the crew of the vessel in reference to the management thereof, unless he is requested to do so by the master.

Textual Amendments

F243 Words “level 3 on the standard scale” substituted (E.W.S.) for “fifty pounds” by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c.21, SIF 39:1\)](#), [ss. 289F, 289G](#)

512 Powers of the receiver in case of vessels in distress.

- (1) The receiver may, with a view to such preservation as aforesaid of shipwrecked persons or of the vessel, cargo, or apparel—
- (a) require such persons as he thinks necessary to assist him:
 - (b) require the master, or other person having the charge, of any vessel near at hand to give such aid with his men, or vessel, as may be in his power:
 - (c) demand the use of any waggon, cart, or horses that may be near at hand.
- (2) If any person refuses without reasonable cause to comply with any such requisition or demand, that person shall, for each refusal, be liable to a fine not exceeding one hundred pounds: . . . ^{F244}

Textual Amendments

F244 Words repealed by [Finance Act 1944 \(c. 23\)](#), [Sch. 5 Pt. II](#)

513 Power to pass over adjoining lands.

- (1) Whenever a vessel is wrecked, stranded, or in distress as aforesaid, all persons may, for the purpose of rendering assistance to the vessel, or of saving the lives of the shipwrecked persons, or of saving the cargo or apparel of the vessel, unless there is some public road equally convenient, pass and repass, either with or without carriages or horses, over any adjoining lands without being subject to interruption by the owner or occupier, so that they do as little damage as possible, and may also, on the like condition, deposit on those lands any cargo or other article recovered from the vessel.
- (2) Any damage sustained by an owner or occupier in consequence of the exercise of the rights given by this section shall be a charge on the vessel, cargo, or articles in respect of or by which the damage is occasioned, and the amount payable in respect of the damage shall, in case of dispute, be determined and shall, in default of payment, be recoverable in the same manner as the amount of salvage is under this Part of this Act determined or recoverable.
- (3) If the owner or occupier of any land—
- (a) impedes or hinders any person in the exercise of the rights given by this section by locking his gates, or refusing, upon request, to open the same, or otherwise; or

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- (b) impedes or hinders the deposit of any cargo or other article recovered from the vessel as aforesaid on the land: or
- (c) prevents or endeavours to prevent any such cargo or other article from remaining deposited on the land for a reasonable time until it can be removed to a safe place of public deposit;

he shall for each offence be liable to a fine not exceeding [^{F245}one hundred pounds][^{F245}level 3 on the standard scale].

Textual Amendments

F245 Words “level 3 on the standard scale” substituted (E.W.S.) for “one hundred pounds” by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#)

^{F246}**514**

Textual Amendments

F246 [S. 514](#) repealed (1.5.1994) by [1993 c. 22, s. 8\(3\)\(4\), Sch. 4 para. 19, Sch. 5 Pt.II](#); [S.I. 1993/3137, art. 3\(2\)](#)

515 Liability for damage in case of a vessel plundered.

Where a vessel is wrecked, stranded, or in distress as aforesaid, and the vessel or any part of the cargo and apparel thereof, is plundered, damaged, or destroyed by any persons riotously ^{F247} . . . assembled together, whether on shore or afloat, compensation shall be made to the owner of the vessel, cargo, or apparel:

In England in the same manner, by the same authority, and out of the same rate as if the plundering, damage, injury, or destruction were an injury, stealing, or destruction in respect of which compensation is payable under the provisions of the ^{M1}Riot (Damages) Act 1886, and in the case of the vessel, cargo, or apparel not being in any police district, as if the plundering, damage, injury, or destruction took place in the nearest police district:

In Scotland by the [^{F248} regional or islands council within whose area, or nearest to whose area, the plundering, damage or destruction took place and as if entitlement to such compensation arose under section 10 of the ^{M2}Riotous Assemblies (Scotland) Act 1822.] , and

[^{F249}In Northern Ireland, in pursuance of an application, under the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971 as modified for the purposes of this section by the Transfer of Functions (Criminal Injuries to Vessels) (Northern Ireland) Order 1973.]

Textual Amendments

F247 Words in [s. 515](#) repealed (1.5.1994) by [1993 c. 22, s. 8\(3\)\(4\), Sch. 4 para. 20\(a\), Sch. 5 Pt.II](#); [S.I. 1993/3137, art. 3\(2\)](#)

F248 Words in [s. 515](#) substituted (1.5.1994) by [1993 c. 22, s. 8\(3\)\(4\), Sch. 4 para. 20\(b\)](#); [S.I. 1993/3137, art. 3\(2\)](#)

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Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1894. (See end of Document for details)

F249 Words substituted by S.R. & O. (N.I.) 1973/56, art. 3(1)(3)

Modifications etc. (not altering text)

C31 S. 515 amended (E.W.) by **Public Order Act 1986 (c. 64, SIF 39:2), s. 10(1)**

Marginal Citations

M1 1886 c. 38.
M2 1 Geo. 1st. 1 c. 5.

516 Exercise of powers of receiver in his absence.

- [^{F250}(1) Where any function is conferred on the receiver by any of the preceding sections of this Act that function may be discharged by any officer of customs and excise or any principal officer of the coastguard.]
- (2) An officer acting under this section for a receiver shall, with respect to any goods or articles belonging to a vessel the delivery of which to the receiver is required by this Act, be considered as the agent of the receiver ^{F250}. . . ; but he shall not be entitled to any fees payable to receivers, or be deprived by reason of his so acting of any right to salvage to which he would otherwise be entitled.

Textual Amendments

F250 S. 516(1) substituted (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para. 21(a)**; S.I. 1993/3137, **art. 3(2)**
Words in s. 516(2) repealed (1.5.1994) by 1993 c. 22, s. 8(3)(4), Sch. 4 para. 21(b), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

^{F251}**517**

Textual Amendments

F251 S. 517 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

Dealing with Wreck

518 Provision as to wreck found in the United Kingdom.

- [^{F252}(1)] Where any person finds or takes possession of any wreck within the limits of the United Kingdom he shall,—
 - (a) if he is the owner thereof, give notice to the receiver ^{F252}. . . stating that he has found or taken possession of the same, and describing the marks by which the same may be recognised;
 - (b) if he is not the owner thereof, [^{F252}give notice to the receiver that he has found or taken possession of it and, as directed by the receiver, either hold it to the receiver’s order or deliver it to the receiver;] and if any person fails, without reasonable cause, to comply with this section, he shall, for each offence, be liable to a fine not exceeding [^{F253}[^{F254}£500]] [^{F253}level 4 on the standard scale], and shall in addition, if he is not the owner, forfeit any claim to salvage, and

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shall be liable to pay to the owner of the wreck if it is claimed, or, if it is unclaimed to the persons entitled to the same, double the value thereof, to be recovered ^[F252], except in Scotland, in the same way as a fine of a like amount under this Act.

[^{F252}(2) In Scotland, any sum payable under subsection (1) above to the owner of the wreck or to the persons entitled to the wreck shall, for the purposes of the sum's recovery, be regarded as a debt due to the owner or as the case may be to those persons.]

Textual Amendments

F252 Words in s. 518(a) repealed (1.5.1994) by 1993 c. 22, s. 8(3)(4), Sch. 4 para. 22(a), **Sch. 5 Pt. II**; S.I. 1993/3137, **art. 3(2)**

Words in s. 518 inserted (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para. 22(c)**; S.I. 1993/3137, **art. 3(2)**
S. 518(2) added (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para. 22(e)**; S.I. 1993/3137, **art. 3(2)**

Words in s. 518(b) substituted (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 Para. 22(b)**; S.I. 1993/3137, **art. 3(2)**

S. 518 renumbered as s. 518(1) (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para. 22(d)**; S.I. 1993/3137, **art. 3(2)**

F253 Words “level 4 on the standard scale” substituted (E.W.S.) for “£500” by virtue of (E.W.) *Criminal Justice Act 1982* (c. 48, SIF 39:1), **s. 46** and (S.) *Criminal Procedure (Scotland) Act 1975* (c. 21, SIF 39:1), **s. 289G**

F254 Word substituted by virtue of *Merchant Shipping Act 1979* (c. 39), s. 43(1), **Sch. 6 Pt. III**

Modifications etc. (not altering text)

C32 S. 518 extended by *Merchant Shipping Act 1906* (c. 48), **s. 72**

519 Penalty for taking wreck at time of casualty.

- (1) Where a vessel is wrecked, stranded, or in distress at any place on or near the coasts of the United Kingdom or any tidal water within the limits of the United Kingdom, any cargo or other articles belonging to or separated from the vessel, which may be washed on shore or otherwise lost or taken from the vessel shall be delivered to the receiver.
- (2) If any person, whether the owner or not, secretes or keeps possession of any such cargo or article, or refuses to deliver the same to the receiver or any person authorised by him to demand the same, that person shall for each offence be liable to a fine not exceeding [^{F255}[^{F256}£500]] [^{F255}level 4 on the standard scale].
- (3) The receiver or any person authorised as aforesaid may take any such cargo or article by force from the person so refusing to deliver the same.

Textual Amendments

F255 Words “level 4 on the standard scale” substituted (E.W.S.) for “£500” by virtue of (E.W.) *Criminal Justice Act 1982* (c. 48, SIF 39:1), **s. 46** and (S.) *Criminal Procedure (Scotland) Act 1975* (c. 21, SIF 39:1), **s. 289G**

F256 Word substituted by virtue of *Merchant Shipping Act 1979* (c. 39), s. 43(1), **Sch. 6 Pt. III**

520 Notice of wreck to be given by receiver.

Where a receiver takes possession of any wreck he shall within forty-eight hours—

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- [^{F257}(a) make a record describing the wreck and any marks by which it is distinguished;
- (b) if, in his opinion, the value of the wreck exceeds £5,0 also transmit a similar description to the chief executive officer of Lloyds in London; and that officer shall cause it to be posted in some conspicuous place for inspection.

The record made by the receiver under paragraph (a) above shall be kept by him available for inspection by any person during reasonable hours without charge.]

Textual Amendments

F257 S. 520(a)(b) substituted (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para.23**; S.I. 1993/3137, **art. 3(2)**

521 Claims of owners to wreck.

- (1) The owner of any wreck in the possession of the receiver, upon establishing his claim to the same to the satisfaction of the receiver within one year from the time at which the wreck came into the possession of the receiver, shall, upon paying the salvage, fees, and expenses due, be entitled to have the wreck or the proceeds thereof delivered up to him.
- (2) Where any articles belonging to or forming part of a foreign ship, which has been wrecked on or near the coasts of the United Kingdom, or belonging and forming part of the cargo, are found on or near those coasts, or are brought into any port in the United Kingdom, the consul-general of the country to which the ship or in the case of cargo to which the owners of the cargo may have belonged, or any consular officer of that country authorised in that behalf by any treaty or arrangement with that country, shall, in the absence of the owner and of the master or other agent of the owner, be deemed to be the agent of the owner, so far as relates to the custody and disposal of the articles.

Modifications etc. (not altering text)

C33 S. 521 extended by **Consular Conventions Act 1949 (c. 29), s. 5(2)**

522 Immediate sale of wreck by receiver in certain cases.

A receiver may at any time sell any wreck in his custody if in his opinion—

- (a) it is under the value of [^{F258}£5,0], or
- (b) it is so much damaged or of so perishable a nature that it cannot with advantage be kept, or
- (c) it is not of sufficient value to pay for [^{F258}storage],

and the proceeds of the sale shall, after defraying the expenses thereof, be held by the receiver for the same purposes and subject to the same claims, rights, and liabilities as if the wreck had remained unsold.

Textual Amendments

F258 Words in s. 522 substituted (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para.24**; S.I. 1993/3137, **art. 3(2)**

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Unclaimed Wreck

523 Right of Crown to unclaimed wreck.

Her Majesty and Her Royal successors are entitled to all unclaimed wreck found in any part of Her Majesty's dominions, except in places where Her Majesty or any of Her Royal predecessors has granted to any other person the right to that wreck.

524 Notice of unclaimed wreck to be given to persons entitled.

- (1) [^{F259}Any person who is entitled to unclaimed wreck found on any place in the United Kingdom or in United Kingdom waters] shall deliver to the receiver a statement containing the particulars of his title, and an address to which notices may be sent.
- (2) When a statement has been so delivered and the title proved to the satisfaction of the receiver, the receiver shall, on taking possession of any wreck found at a place to which the statement refers, within forty-eight hours send to the address delivered a description of the wreck and of any marks by which it is distinguished.

Textual Amendments

F259 Words in s. 524 substituted (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 Para.25**; S.I. 1993/3137, **art. 3(2)**

525 Disposal of unclaimed wreck.

Where no owner establishes a claim to any wreck, found in the United Kingdom and in the possession of a receiver, within one year after it came into his possession, the wreck shall be dealt with as follows; (that is to say,)

- (1) If the wreck is claimed by any admiral, vice-admiral, lord of a manor, heritable proprietor, or other person who has delivered such a statement to the receiver as herein-before provided, and has proved to the satisfaction of the receiver his title to receive unclaimed wreck found at the place where that wreck was found, the wreck after payment of all expenses, costs, fees, and salvage due in respect thereof, shall be delivered to him;
- (2) If the wreck is not claimed by any admiral, vice-admiral, lord of a manor, heritable proprietor, or other person as aforesaid, the receiver shall sell the same and shall pay the proceeds of the sale (after deducting therefrom the expenses of the sale, and any other expenses incurred by him, and his fees, and paying thereout to the salvors such amount of salvage as the Board of Trade may in each case, or by any general rule, determine) for the benefit of the Crown, as follows; (that is to say,)
 - (a) If the wreck is claimed in right of Her Majesty's duchy of Lancaster, to the receiver-general of that duchy or his deputies as part of the revenues of that duchy;
 - (b) If the wreck is claimed in right of the duchy of Cornwall, to the receiver-general of that duchy or his deputies as part of the revenues of that duchy; and
 - (c) If the wreck is not so claimed, the receiver shall pay the proceeds of sale . . .
^{F260} after the decease of Her present Majesty to her heirs and successors.

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Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1894. (See end of Document for details)

Textual Amendments

F260 Words repealed by [Statute Law Revision Act 1908 \(c. 49\)](#)

^{F261}**526**

Textual Amendments

F261 [S. 526](#) repealed (1.5.1994) by [1993 c. 22, s. 8\(4\)](#), [Sch. 5 Pt.II](#); [S.I. 1993/3137, art. 3\(2\)](#)

527 Delivery of unclaimed wreck by receivers not to prejudice title.

Upon delivery of wreck or payment of the proceeds of sale of wreck by a receiver, in pursuance of the provisions of this Part of this Act, the receiver shall be discharged from all liability in respect thereof, but the delivery thereof shall not prejudice or affect any question which may be raised by third parties concerning the right or title to the wreck, or concerning the title to the soil of the place on which the wreck was found.

^{F262}**528**

Textual Amendments

F262 [S. 528](#) repealed (1.5.1994) by [1993 c. 22, s. 8\(3\)\(4\)](#), [Sch. 4 para. 26](#), [Sch. 5 Pt.II](#); [S.I. 1993/3137, art. 3\(2\)](#)

^{F263}**529**

Textual Amendments

F263 [S. 529](#) repealed (1.5.1994) by [1993 c. 22, s. 8\(3\)\(4\)](#), [Sch. 4 para. 27](#), [Sch. 5 Pt.II](#); [S.I. 1993/3137, art. 3\(2\)](#)

Removal of Wrecks

530 Removal of wreck by harbour or conservancy authority.

Where any vessel is sunk, stranded, or abandoned in any harbour or tidal water under the control of a harbour or conservancy authority, or in or near any approach thereto, in such manner as in the opinion of the authority to be, or be likely to become, an obstruction or danger to navigation or to lifeboats engaged in lifeboat service in that harbour or water or in any approach thereto, that authority may—

- (a) take possession of, and raise, remove, or destroy the whole or any part of the vessel; and

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- (b) light or buoy any such vessel or part until the raising, removal, or destruction thereof; and
- (c) sell, in such manner as they think fit, any vessel or part so raised or removed, and also any other property recovered in the exercise of their powers under this section, and out of the proceeds of the sale reimburse themselves for the expenses incurred by them in relation thereto under this section, and the authority shall hold the surplus, if any, of the proceeds in trust for the persons entitled thereto.

Provided as follows:—

- (1) A sale shall not (except in the case of property which is of a perishable nature, or which would deteriorate in value by delay) be made under this section until at least seven clear days notice of the intended sale has been given by advertisement in some local newspaper circulating in or near the district over which the authority have control; and
- (2) At any time before any property is sold under this section, the owner thereof shall be entitled to have the same delivered to him on payment to the authority of the fair market value thereof, to be ascertained by agreement between the authority and the owner, or failing agreement by some person to be named for the purpose by the Board of Trade, and the sum paid to the authority as the value of any property under this provision shall, for the purposes of this section, be deemed to be the proceeds of sale of that property.

Modifications etc. (not altering text)

C34 S. 530 modified by S.I. 1989/1991, **arts. 8, 9**

C35 S. 530 modified by Highland Regional Council (Harbours) Order Confirmation Act 1991 (c. xii), **s. 22(1)**

C36 S. 530 modified (E.W.S.) (23.5.1991) by S.I. 1991/1257, **art. 1, 25(1)**

C37 S. 530 restricted (E.W.S.) (23.5.1991) by S.I. 1991/1257, **art. 1, 26(1)**

C38 Ss. 530-534 restricted (13.6.1992) by S.I. 1992/1293, **arts. 8, 9**

C39 Ss. 530-534 restricted (12.6.1992) by S.I. 1992/1294, **arts. 8, 9**

C40 S. 530 modified (28.5.1994) by S.I. 1994/1440, **art. 12(1)**

C41 S. 530 restricted (28.5.1994) by S.I. 1994/1440, **art. 13(1)(3)**

C42 S. 530 applied (with modifications) (30.8.1994) by S.I. 1994/2298, **art. 23(1)**

531 Power of lighthouse authority to remove wreck.

- (1) Where any vessel is sunk, stranded, or abandoned in any fairway, or on the seashore or on or near any rock, shoal, or bank, in the British Islands, or any of the adjacent seas or islands, and there is not any harbour or conservancy authority having power to raise, remove, or destroy the vessel, the general lighthouse authority for the place in or near which the vessel is situate shall, if in their opinion the vessel is, or is likely to become, an obstruction or danger to navigation or to lifeboats engaged in the lifeboat service, have the same powers in relation thereto as are by this Part of this Act conferred upon a harbour or conservancy authority.
- [^{F264}(2) Where a general lighthouse authority have incurred expenses in the exercise of their powers under this section in relation to any vessel, then—
 - (a) if the proceeds of any sale made under section 530 of this Act in connection with the exercise of those powers in relation to the vessel are insufficient to

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- reimburse the authority for the full amount of those expenses, the authority may recover the amount of the deficiency from the relevant person, or
- (b) if there is no such sale, the authority may recover the full amount of those expenses from the relevant person.
- (3) Any expenses so incurred which are not recovered by the authority either out of the proceeds of any such sale or in accordance with subsection (2) of this section shall be paid out of the General Lighthouse Fund, but section 660 of this Act shall apply to those expenses as if they were expenses of the authority falling within subsection (1) of that section other than establishment expenses.
- (4) In this section “the relevant person”, in relation to any vessel, means the owner of the vessel at the time of the sinking, stranding or abandonment of the vessel.]

Textual Amendments

F264 S. 531(2)–(4) substituted by [Merchant Shipping Act 1988 \(c. 2, SIF 111\)](#), s. 48, [Sch. 5](#)

Modifications etc. (not altering text)

C43 S. 531 modified by [S.I. 1989/1991](#), [arts. 8, 9](#)

C44 Ss. 530-534 restricted (13.6.1992) by [S.I. 1992/1293](#), [arts. 8, 9](#)

C45 Ss. 530-534 restricted (12.6.1992) by [S.I. 1992/1294](#), [arts.8, 9](#)

532 Power of removal to extend to tackle, cargo, &c.

The provisions of this Part of this Act relating to removal of wrecks shall apply to every article or thing or collection of things being or forming part of the tackle, equipments, cargo, stores, or ballast of a vessel in the same manner as if it were included in the term “vessel,” and for the purposes of these provisions any proceeds of sale arising from a vessel and from the cargo thereof, or any other property recovered therefrom, shall be regarded as a common fund.

Modifications etc. (not altering text)

C46 S. 532 restricted by [S.I. 1988/2304](#), [art. 12](#)

C47 S. 532 modified by [S.I. 1989/1991](#), [arts. 8, 9](#)

C48 S. 532 modified by [Highland Regional Council \(Harbours\) Order Confirmation Act 1991 \(c. xii\)](#), [s. 22\(1\)](#)

C49 S. 532 modified (E.W.S.) (23.5.1991) by [S.I. 1991/1257](#), [art. 1, 25\(1\)](#)

C50 S. 532 restricted (E.W.S.) (23.5.1991) by [S.I. 1991/1257](#), [art. 1, 26\(1\)](#)

C51 Ss. 530-534 restricted (13.6.1992) by [S.I. 1992/1293](#), [arts. 8, 9](#)

C52 Ss. 530-534 restricted (12.6.1992) by [S.I. 1992/1294](#), [arts. 8, 9](#)

C53 S. 532 modified (28.5.1994) by [S.I. 1994/1440](#), [art. 12\(1\)](#)

C54 S. 532 restricted (28.5.1994) by [S.I. 1994/1440](#), [art. 13\(1\)\(3\)](#)

C55 S. 523 applied (with modifications) (30.8.1994) by [S.I. 1994/2298](#), [art. 23\(1\)](#)

533 Power for Board of Trade to determine certain questions between authorities.

If any question arises between a harbour or conservancy authority on the one hand and a general lighthouse authority on the other hand as to their respective powers under this Part of this Act for the removal of wrecks, in relation to any place being in or

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near an approach to a harbour or tidal water, that question shall, on the application of either authority, be referred to the decision of the Board of Trade, and the decision of that Board shall be final.

Modifications etc. (not altering text)

- C56** Ss. 533, 534 restricted by S.I. 1988/2304, **art. 12**
- C57** Ss. 533, 534 modified by S.I. 1989/1991, **arts. 8, 9**
- C58** Ss. 530-534 restricted (13.6.1992) by S.I. 1992/1293, **arts. 8, 9**
- C59** Ss. 530-534 restricted (12.6.1992) by S.I. 1992/1294, **arts. 8, 9**

534 Powers to be cumulative.

The powers conferred by this Part of this Act on a harbour, conservancy, or lighthouse, authority, for the removal of wrecks shall be in addition to and not in derogation of any other powers for a like object.

Modifications etc. (not altering text)

- C60** Ss. 533, 534 restricted by S.I. 1988/2304, **art. 12**
- C61** Ss. 533, 534 modified by S.I. 1989/1991, **arts. 8, 9**
- C62** Ss. 530-534 restricted (13.6.1992) by S.I. 1992/1293, **arts. 8, 9**
- C63** Ss. 530-534 restricted (12.6.1992) by S.I. 1992/1294, **arts. 8, 9**

Offences in respect of Wreck

535 Taking wreck to foreign port.

If any person takes into any foreign port any vessel, stranded, derelict, or otherwise in distress, found on or near the coasts of the United Kingdom or any tidal water within the limits of the United Kingdom, or any part of the cargo or apparel thereof, or anything belonging thereto, or any wreck found within those limits, and there sells the same, that person shall be guilty of felony, and on conviction thereof shall be liable to be kept in penal servitude for a term not less than three years and not exceeding five years.

Modifications etc. (not altering text)

- C64** Reference to sentence of penal servitude to be construed as a reference to sentence of imprisonment for a term not exceeding maximum specified: [Criminal Justice Act 1948 \(c. 58\), s. 1\(1\)](#) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\), s. 221\(1\)](#) and [Criminal Justice Act \(Northern Ireland\) 1953 \(c. 14\), s. 1\(1\)](#)

536 Interfering with wrecked vessel or wreck.

- (1) A person shall not without the leave of the master board or endeavour to board any vessel which is wrecked, stranded, or in distress, unless that person is, or acts by command of, the receiver or a person lawfully acting as such, and if any person acts in contravention of this enactment, he shall for each offence be liable to a fine not

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exceeding [^{F265}[^{F266}£200]]^{F265} level 3 on the standard scale], and the master of the vessel may repel him by force.

(2) A person shall not—

- (a) impede or hinder, or endeavour in any way to impede or hinder, the saving of any vessel stranded or in danger of being stranded, or otherwise in distress on or near any coast or tidal water, or of any part of the cargo or apparel thereof, or of any wreck;
- (b) secrete any wreck, or deface or obliterate any marks thereon; or
- (c) wrongfully carry away or remove any part of a vessel stranded or in danger of being stranded, or otherwise in distress, on or near any coast or tidal water, or any part of the cargo or apparel thereof, or any wreck,

and if any person acts in contravention of this enactment, he shall be liable for each offence to a fine not exceeding [^{F267}[^{F268}£500]]^{F267} level 4 on the standard scale], and that fine may be inflicted in addition to any punishment to which he may be liable by law under this Act or otherwise.

Textual Amendments

F265 Words “level 3 on the standard scale” substituted (E.W.S.) for “£200” by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289G](#)

F266 Word substituted by virtue of [Merchant Shipping Act 1979 \(c. 39\)](#), [s. 43\(1\)](#), [Sch. 6 Pt. II](#)

F267 Words “level 4 on the standard scale” substituted (E.W.S.) for “£500” by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289G](#)

F268 Word substituted by virtue of [Merchant Shipping Act 1979 \(c. 39\)](#), [s. 43\(1\)](#), [Sch. 6 Pt. III](#)

537 Summary procedure for concealment of wreck.

(1) Where a receiver suspects or receives information that any wreck is secreted or in the possession of some person, who is not the owner thereof or that any wreck is otherwise improperly dealt with he may apply to any justice of the peace for a search warrant and that justice shall have power to grant such a warrant, and the receiver, by virtue thereof, may enter any house, or other place, wherever situate, and also any vessel, and search for, seize, and detain any such wreck there found.

(2) If any such seizure of wreck is made in consequence of information given by any person to the receiver, on a warrant being issued under this section, the informer shall be entitled, by way of salvage, to such sum not exceeding in any case [^{F269}£100] as the receiver may allow.

Textual Amendments

F269 Words in [s. 537\(2\)](#) substituted (1.5.1994) by [1993 c. 22, s. 8\(3\)](#), [Sch. 4 para.28](#); [S.I. 1993/3137, art. 3\(2\)](#)

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Marine Store Dealers

[^{F270}538 Marine store dealer to have his name and trade painted on his shop.

- (1) Every person dealing in, buying, or selling, any of the articles following, that is to say, anchors, cables, sails, old junk, or old iron, or other marine stores of any kind (in this Part of this Act called a marine store dealer) shall have his name, together with the words “dealer in marine stores,” distinctly painted, in letters of not less than six inches in length on every warehouse and place of deposit belonging to him.
- (2) If a marine store dealer fails to comply with the requirements of this section, he shall for each offence be liable to a fine not exceeding [^{F271}twenty pounds][^{F271}£50].]

Textual Amendments

- F270** S. 538–542 repealed (E.W.S.) by (E.W.) Scrap Metal Dealers Act 1964 (c. 69), **Sch. Pt. I** and (S.) Civic Government (Scotland) Act 1982 (c. 45, SIF 81:2), s. 137, **Sch. 4**
- F271** “£50” substituted (S.) for “twenty pounds” by virtue of Criminal Procedure (Scotland) Act 1975 (c. 21), s. 289C(4)(5)(8)

[^{F272}539 Marine store dealer to keep proper books.

- (1) Every marine store dealer shall keep proper books, and enter therein an account of all marine stores of which he becomes possessed, stating in respect of each article the time at which and the person from whom he purchased or received the same, and a description of the business and place of abode of that person.
- (2) If a marine store dealer fails to comply with the requirements of this section he shall be liable to a fine for the first offence not exceeding [^{F273}twenty pounds][^{F273}£50] and for every subsequent offence not exceeding fifty pounds.]

Textual Amendments

- F272** S. 538–542 repealed (E.W.S.) by (E.W.) Scrap Metal Dealers Act 1964 (c. 69), **Sch. Pt. I** and (S.) Civic Government (Scotland) Act 1982 (c. 45, SIF 81:2), s. 137, **Sch. 4**
- F273** “£50” substituted (S.) for “twenty pounds” by virtue of Criminal Procedure (Scotland) Act 1975 (c. 21), s. 289C(4)(5)(8)

Modifications etc. (not altering text)

- C65** S. 539(2) amended (N.I.) by Increase of Fines Act (Northern Ireland) 1967 (c. 29), **Sch. Pt I**

[^{F274}540 Marine store dealer not to purchase from person under sixteen.

- (1) A marine store dealer shall not by himself or his agents purchase marine stores of any description from any person apparently under the age of sixteen years.
- (2) If a marine store dealer so purchases any marine store, he shall be liable to a fine for the first offence not exceeding [^{F275}five pounds][^{F275}£25] and for every subsequent offence not exceeding [^{F276}twenty pounds][^{F276}£50].]

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Textual Amendments

F274 S. 538–542 repealed (E.W.S.) by (E.W.) [Scrap Metal Dealers Act 1964 \(c. 69\)](#), [Sch. Pt. I](#) and (S.) [Civic Government \(Scotland\) Act 1982 \(c. 45, SIF 81:2\)](#), s. 137, [Sch. 4](#)

F275 “£25” substituted (S.) for “five pounds” by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), s. [289C\(4\)\(5\)\(8\)](#)

F276 “£50” substituted (S.) for “twenty pounds” by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), s. [289C\(4\)\(5\)\(8\)](#)

Modifications etc. (not altering text)

C66 S. 540(2) amended (N.I.) by [Increase of Fines Act \(Northern Ireland\) 1967 \(c. 29\)](#), [Sch. Pt. I](#)

[^{F277}541 Marine store dealer not to cut up cable, &c.

- (1) A marine store dealer shall not, on any pretence, cut up any cable or other like article exceeding five fathoms in length, or unlay the same into twine or paper stuff without obtaining a written permit as required by this section.
- (2) In order to obtain a written permit a marine store dealer shall make a declaration before some justice of the peace having jurisdiction where the dealer resides, stating—
 - (a) the quality and description of the cable or other like article about to be cut up or unlayed;
 - (b) the name and description of the person from whom he purchased or received the same; and
 - (c) that he has purchased or otherwise acquired the same without fraud and without any knowledge or suspicion that it has been come by dishonestly:
 and either the justice of the peace before whom the declaration is made, or the receiver of the district, upon the production of the declaration, may grant a permit authorising the marine store dealer to cut up or unlay the cable or other article.
- (3) If a marine store dealer cuts up or unlays any cable or other article without complying with the provisions of this section he shall be liable to a fine for the first offence not exceeding [^{F278}twenty pounds][^{F278}£50] and for every subsequent offence not exceeding fifty pounds.]

Textual Amendments

F277 S. 538–542 repealed (E.W.S.) by (E.W.) [Scrap Metal Dealers Act 1964 \(c. 69\)](#), [Sch. Pt. I](#) and (S.) [Civic Government \(Scotland\) Act 1982 \(c. 45, SIF 81:2\)](#), s. 137, [Sch. 4](#)

F278 “£50” substituted (S.) for “twenty pounds” by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), s. [289C\(4\)\(5\)\(8\)](#)

[^{F279}542 Permit to be advertised before dealer proceeds to act thereon.

- (1) A marine store dealer who has obtained a permit as aforesaid shall not proceed by virtue thereof to cut up or unlay any cable or other article until he has for the space of one week, at the least, published in some newspaper circulating in the place where he resides one or more advertisements, notifying the fact of his having so obtained a permit, and specifying the nature of the cable or article mentioned in the permit, and

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the place where it is deposited, and the time at which it is intended to be so cut up or unlaid.

- (2) If any person suspects or believes that the cable or other article is his property he may apply to a justice of the peace for a warrant, and that justice may, on the sworn statement of the applicant, grant a warrant entitling the applicant to require the production by the marine store dealer of the cable or article mentioned in the permit, and also of the books required under this Part of this Act to be kept by the marine store dealer, and authorising the applicant to inspect and examine the cable or article or books.
- (3) If a marine store dealer fails without reasonable cause to comply with any of the requirements of this section, he shall be liable for the first offence to a fine not exceeding [^{F280}twenty pounds][^{F280}£50] and for every subsequent offence to a fine not exceeding fifty pounds.]

Textual Amendments

F279 S. 538–542 repealed (E.W.S.) by (E.W.) Scrap Metal Dealers Act 1964 (c. 69), **Sch. Pt. I** and (S.) Civic Government (Scotland) Act 1982 (c. 45, SIF 81:2), s. 137, **Sch. 4**

F280 “£50” substituted (S.) for “twenty pounds” by virtue of Criminal Procedure (Scotland) Act 1975 (c. 21), s. 289C(4)(5)(8)

Marking of Anchors

^{F281}543

Textual Amendments

F281 S. 543 repealed (1.5.1994) by 1993 c. 22, s. 8(3)(4), Sch. 4 para. 29, **Sch. 5 Pt.II**; S.I. 1993/3137, art. 3(2)

Salvage

^{F282}544

Textual Amendments

F282 S. 544 repealed (1.1.1995) by 1994 c. 28, ss. 1(6), 10(3), Sch. 2, para. 1(2), **Sch. 4**; S.I. 1994/2971, art. 2, **Sch.**

^{F283}545

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Textual Amendments

F283 S. 545 repealed (1.1.1995) by 1994 c. 28, ss. 1(6), 10(3), Sch. 2, para. 1(2), **Sch. 4**; S.I. 1994/2971, art. 2, **Sch.**

F284 **546**

Textual Amendments

F284 S. 546 repealed (1.1.1995) by 1994 c. 28, ss. 1(6), 10(3), Sch. 2, para. 1(2), **Sch. 4**; S.I. 1994/2971, art. 2, **Sch.**

Procedure in Salvage

F285 **547**

Textual Amendments

F285 S. 547 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

F286 **548**

Textual Amendments

F286 S. 548 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

F287 **549**

Textual Amendments

F287 S. 549 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

F288 **550**

Textual Amendments

F288 S. 550 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

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551 Valuation of property by receiver.

- (1) Where any dispute as to salvage arises, the receiver ^{F289} . . . may, on the application of either party, appoint a valuer to value that property, and shall give copies of the valuation to both parties.
- (2) Any copy of the valuation purporting to be signed by the valuer, and to be certified as a true copy by the receiver, shall be admissible as evidence in any subsequent proceedings.
- (3) There shall be paid in respect of the valuation by the person applying for the same such fee as the Board of Trade may direct.

Textual Amendments

F289 Words in s. 551(1) repealed (1.5.1994) by 1993 c. 22, s. 8(3)(4), Sch. 4 para. 33, Sch. 5 Pt. II; S.I. 1993/3137, art. 3(2)

552 Detention of property liable for salvage by a receiver.

- (1) Where salvage is due to any person under this Act, the receiver shall—
 - (a) if the salvage is due in respect of services rendered in assisting any vessel, or in saving life therefrom, or in saving the cargo or apparel thereof, detain the vessel and cargo or apparel; and
 - (b) if the salvage is due in respect of the saving of any wreck, and the wreck is not sold as unclaimed under the Act, detain the wreck.
- (2) Subject as herein-after mentioned, the receiver shall detain the vessel and the cargo and apparel, or the wreck (herein-after referred to as detained property) until payment is made for salvage, or process is issued for the arrest or detention thereof by some competent court.
- (3) A receiver may release any detained property if security is given to his satisfaction or, if the claim for salvage exceeds [^{F290}£5,0], and any question is raised as to the sufficiency of the security, to the satisfaction in England or Ireland of the High Court, and in Scotland of the Court of Session, including any division of that court, or the Lord Ordinary officiating on the bills during vacation.
- (4) Any security given for salvage in pursuance of this section to an amount exceeding [^{F291}£5,0] may be enforced by such court as aforesaid in the same manner as if bail had been given in that court.

Textual Amendments

F290 Words in s. 552(3) substituted (1.5.1994) by 1993 c. 22, s. 8(3), Sch. 4 para. 30; S.I. 1993/3137, art. 3(2)

F291 Words in s. 552(4) substituted (1.1.1995) by 1994 c. 28, s. 1(6), Sch. 2 para. 1(3); S.I. 1994/2971, art. 2 Sch

Modifications etc. (not altering text)

C67 Reference to the Lord Ordinary officiating on the bills during vacation to be construed as reference to the judge acting as vacation judge in pursuance of s. 4 of the [Administration of Justice \(Scotland\) Act 1933 \(c. 41\)](#): *ibid.*, s. 3

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- C68** Reference to Ireland to be construed as exclusive of Republic of Ireland: S. R. & O. 1923/405 (Rev. X, p. 298: 1923, p. 400), art. 2
- C69** Ss. 552, 553 restricted (13.6.1992) by S.I. 1992/1293, art. 12, Sch.

553 Sale of detained property by receiver.

- (1) The receiver may sell any detained property if the persons liable to pay the salvage in respect of which the property is detained are aware of the detention, in the following cases; namely,—
- (a) Where the amount is not disputed, and payment of the amount due is not made within twenty days after the amount is due, or,
 - (b) Where the amount is disputed, but no appeal lies from the first court to which the dispute is referred, and payment is not made within twenty days after the decision of the first court, or
 - (c) Where the amount is disputed and an appeal lies from the decision of the first court to some other court, and within twenty days of the decision of the first court neither payment of the sum due is made nor proceedings are commenced for the purpose of appeal.
- (2) The proceeds of sale of detained property shall, after payment of the expenses of the sale, be applied by the receiver in payment of the expenses, fees, and salvage, and, so far as not required for that purpose, shall be paid to the owners of the property, or any other persons entitled to receive the same.

Modifications etc. (not altering text)

C70 Ss. 552, 553 restricted (13.6.1992) by 1992/1293, art. 12, Sch.

^{F292}554

Textual Amendments

F292 S. 554 repealed (1.5.1994) by 1993 c. 22, s. 8(3), Sch. 5 Pt. II; S.I. 1993/3137, art. 3(2)

555 Apportionment of salvage under 200*l.* by receiver.

- (1) Where the aggregate amount of salvage payable in respect of salvage services rendered in the United Kingdom has been finally determined, either summarily in manner provided by this Act or by agreement, [^{F293}or by a county court in England or Wales] and does not exceed [^{F294}£5,0], but a dispute arises as to the apportionment thereof among several claimants, the person liable to pay the amount may apply to the receiver for liberty to pay the same to him; and the receiver shall, if he thinks fit, receive the same accordingly, and shall grant to the person paying the amount a certificate of the amount paid and of the services in respect of which it is paid, and that certificate shall be a full discharge and indemnity to the person by whom the money is paid, and to his vessel, cargo, apparel, and effects against the claims of all persons whomsoever in respect of the services mentioned in the certificate.

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- (2) The receiver shall with all convenient speed distribute any amount received by him under this section among the persons entitled to the same on such evidence, and in such shares and proportions, as he thinks fit, and may retain any money which appears to him to be payable to any person who is absent.
- [^{F295}(2A) Any decision by the receiver under subsection (2) above shall be made on the basis of the criteria contained in article 13 of the International Convention on Salvage, 1989 as set out in Part I of Schedule 1 to the Merchant Shipping (Salvage and Pollution) Act 1994.]
- (3) A distribution made by a receiver in pursuance of this section shall be final and conclusive as against all persons claiming to be entitled to any portion of the amount distributed.

Textual Amendments

- F293** Words inserted by [County Courts Act 1984 \(c. 28, SIF 34\)](#), [s. 27\(11\)](#)
- F294** Words in [s. 555\(1\)](#) substituted (1.5.1994) by [1993 c. 22, s. 8\(3\)](#), [Sch. 4 para. 30](#); [S.I. 1993/3137](#), [art. 3\(2\)](#)
- F295** [S. 555\(2A\)](#) inserted (1.1.1995) by [1994 c. 28, s. 1\(6\)](#), [Sch. 2 para. 1\(4\)](#); [S.I. 1994/2971](#), [art. 2](#), [Sch](#)

556 Apportionment of salvage by Admiralty Courts.

Whenever the aggregate amount of salvage payable in respect of salvage service rendered in the United Kingdom has been finally ascertained, and exceeds [^{F296}£5,0], and whenever the aggregate amount of salvage payable in respect of salvage services rendered elsewhere has been finally ascertained, whatever that amount may be, then, if any delay or dispute arises as to the apportionment thereof, any court having Admiralty jurisdiction may cause the same to be apportioned amongst the persons entitled thereto in such manner as it thinks just, and may for that purpose, if it thinks fit, appoint any person to carry that apportionment into effect, and may compel any person in whose hands or under whose control the amount may be to distribute the same, or to bring the same into court to be there dealt with as the court may direct, and may for the purposes aforesaid issue such processes as it thinks fit. [^{F297}Any decision by the court under the foregoing provisions of this section shall be made on the basis of the criteria contained in article 13 of the International Convention on Salvage, 1989 as set out in Part I of Schedule 1 to the Merchant Shipping (Salvage and Pollution) Act 1994.]

Textual Amendments

- F296** Words in [s. 556](#) substituted (1.5.1994) by [1993 c. 22, s. 8\(3\)](#), [Sch. 4 para. 30](#); [S.I. 1993/3137](#), [art. 3\(2\)](#)
- F297** Words in [s. 556](#) inserted (1.1.1995) by [1994 c. 28, s. 1\(6\)](#), [Sch. 2 para. 1\(5\)](#); [S.I. 1994/2971](#), [art. 2](#)
[Sch](#)

Salvage by Her Majesty's Ships

557 Salvage by Her Majesty's ships.

- (1) [^{F298}no claim for salvage services by the commander or crew, or part of the crew of any of Her Majesty's ships shall be finally

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adjudicated upon, unless the consent of [^{F299}the Secretary of State] to the prosecution of that claim is proved.

(2) Any document purporting to give the consent of [^{F299}the Secretary of State] for the purpose of this section, and to be signed by [^{F299}an officer of the Ministry of Defence] or on his behalf, shall be evidence of that consent.

(3) If a claim is prosecuted and the consent is not proved, the claim shall stand dismissed with costs.

Textual Amendments

F298 Words repealed by [Merchant Shipping \(Salvage\) Act 1940 \(c. 43\), Sch.](#)

F299 Words substituted by virtue of [Defence \(Transfer of Functions\) Act 1964 \(c. 15\), ss. 1\(2\), 3\(2\)](#)

^{F300}**558**

Textual Amendments

F300 Ss. 558-564 repealed (1.5.1994) by 1993 c. 22, s. 8(3)(4), Sch. 4, para. 34, [Sch. 5 Pt.II](#); S.I. 1993/3137, [art. 3\(2\)](#)

^{F301}**559**

Textual Amendments

F301 Ss. 558-564 repealed (1.5.1994) by 1993 c. 22, s. 8(3)(4), Sch. 4, para. 34, [Sch. 5 Pt.II](#); S.I. 1993/3137, [art. 3\(2\)](#)

^{F302}**560**

Textual Amendments

F302 Ss. 558-564 repealed (1.5.1994) by 1993 c. 22, s. 8(3)(4), Sch. 4, para. 34, [Sch. 5 Pt.II](#); S.I. 1993/3137, [art. 3\(2\)](#)

^{F303}**561**

Textual Amendments

F303 Ss. 558-564 repealed (1.5.1994) by 1993 c. 22, s. 8(3)(4), Sch. 4, para. 34, [Sch. 5 Pt.II](#); S.I. 1993/3137, [art. 3\(2\)](#)

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Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1894. (See end of Document for details)

F304 **562**

Textual Amendments

F304 Ss. 558-564 repealed (1.5.1994) by 1993 c. 22, s. 8(3)(4), Sch. 4, para. 34, **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

F305 **563**

Textual Amendments

F305 Ss. 558-564 repealed (1.5.1994) by 1993 c. 22, s. 8(3)(4), Sch. 4, para. 34, **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

F306 **564**

Textual Amendments

F306 Ss. 558-564 repealed (1.5.1994) by 1993 c. 22, s. 8(3)(4), Sch. 4, para. 34, **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

Jurisdiction of High Court in Salvage

F307 **565**

Textual Amendments

F307 S. 565 repealed (1.5.1994) by 1993 c. 22, s. 8(4), Sch. 4, **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

Appointment of Receivers of Wreck

566 Appointment of receivers of wreck.

The Board of Trade shall have the general superintendence throughout the United Kingdom of all matters relating to wreck, and may, with the consent of the Treasury, appoint [^{F308}one or more persons to be receiver of wreck for the purposes of this Part of this Act and a receiver so appointed shall discharge such functions as are assigned to him by the Secretary of State

- (2) Such public notice of appointments to the office of receiver shall be given as appears to the Secretary of State to be appropriate.]

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Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1894. (See end of Document for details)

Textual Amendments

F308 Words and subsection (2) substituted (1.5.1994) for words in s. 566 by 1993 c. 22, s. 8(3), **Sch. 4 para. 31**; S.I. 1993/3137, **art. 3(2)**

Fees of Receivers of Wreck

567 Receivers fees .

- (1) There shall be paid to every receiver the expenses properly incurred by him in the performance of his duties, and also, in respect of [^{F309} such matters as may be prescribed by regulations made by the Secretary of State by statutory instrument such fees as may be so prescribed] by the Board of Trade, but a receiver shall not be entitled to any remuneration other than those payments.
- (2) The receiver shall, in addition to all other rights and remedies for the recovery of those expenses or fees, have the same rights and remedies in respect thereof as a salvor has in respect of salvage due to him.
- (3) Whenever any dispute arises in any part of the United Kingdom as to the amount payable to any receiver in respect of expenses or fees, that dispute shall be determined by the Board of Trade, and the decision of that Board shall be final.
- (4) All fees received by a receiver in respect of any services performed by him as receiver shall be carried to and form part of the Mercantile Marine Fund, but a separate account shall be kept of those fees, and the moneys arising from them shall be applied in defraying any expenses duly incurred in carrying into effect this Act in such manner as the Board of Trade direct.

Textual Amendments

F309 Words in s. 567(1) substituted (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para.32**; S.I. 1993/3137, **art. 3(2)**

Modifications etc. (not altering text)

C71 Ss. 567, 568 restricted (13.6.1992) by S.I. 1992/1293, **art. 12, Sch**

568 Remuneration for services by coastguard .

- (1) Where services are rendered by any officers or men of the coastguard service in watching or protecting shipwrecked property, then, unless it can be shown that those services have been declined by the owner of the property or his agent at the time they were tendered, or that salvage has been claimed and awarded for those services, the owner of the property shall pay in respect of those services remuneration according to a scale to be fixed by the Board of Trade; and that remuneration shall be recoverable by the same means, and shall be paid to the same persons, and accounted for and applied in the same manner as fees received by receivers under the provisions of this Part of this Act.

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- (2) The scale fixed by the Board of Trade shall not exceed the scale by which remuneration to officers and men of the coastguard for extra duties in the ordinary service of the [F310Commissioners of Customs and Excise] is for the time being regulated.

Textual Amendments

F310 Words substituted by virtue of [Customs and Excise Management Act 1979 \(c. 2\)](#), [Sch. 4 para. 1](#)

Modifications etc. (not altering text)

C72 [Ss. 567, 568](#) restricted (13.6.1992) by [S.I. 1992/1293](#), [art. 12](#), Sch.

Duties on Wreck

569 Provisions as to duties, &c. on wrecked goods.

- (1) F311
- (2) The [F312Commissioners of Customs and Excise] shall permit all goods, wares, and merchandise saved from any ship stranded or wrecked on her homeward voyage to be forwarded to the port of her original destination, and all goods, wares, and merchandise saved from any ship stranded or wrecked on her outward voyage to be returned to the port at which the same were shipped; but those Commissioners shall take security for the due protection of the revenue in respect of those goods.

Textual Amendments

F311 [S. 569\(1\)](#) repealed by [Customs and Excise Act 1952 \(c. 44\)](#), [Sch. 12 Pt. I](#)

F312 Words substituted by virtue of [Customs and Excise Management Act 1979 \(c. 2\)](#), [Sch. 4 para. 1](#)

Supplemental

570 Powers of sheriff in Scotland.

Any matter or thing which may be done under this Part of this Act by or to a justice of the peace, or a court of summary jurisdiction, may in Scotland be done by or to the sheriff of the [F313Sheriffdom].

Textual Amendments

F313 Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\)](#), [Sch. 1 para. 1](#)

571 Saving for Cinque ports.

Nothing in this Part of this Act shall prejudice or affect any jurisdiction or powers of the Lord Warden or any officers of the Cinque ports or of any court of those ports or of any court having concurrent jurisdiction within the boundaries of these ports, and disputes as to salvage arising within those boundaries shall be determined in the manner in which they have been hitherto determined.

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Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1894. (See end of Document for details)

PART X

572– F314
633

Textual Amendments

F314 Ss. 572–633, repealed by Pilotage Act 1913 (2 & 3 Geo. 5 c. 31), s. 60, **Sch. 2**

PART XI

LIGHTHOUSES

Modifications etc. (not altering text)

C73 Power to extend Pt. XI conferred by Merchant Shipping Act 1979 (c. 39), s. 34(3)

C74 Pt. XI (ss. 634–675) amended by Merchant Shipping (Mercantile Marine Fund) Act 1898 (c. 44), s. 1(4); amended by S.I. 1986/2285, art. 2; and extended by S.I. 1987/ 171, art. 2
Pt. XI modified by S.I. 1991/347, art. 2(1)

General Management

634 Management of lighthouses, buoys, and beacons.

- (1) Subject to the provisions of this Part of this Act, and subject also to any powers or rights now lawfully enjoyed or exercised by any person or body of persons having by law or usage authority over local lighthouses, buoys, or beacons, (in this Act referred to as “local lighthouse authorities,”) the superintendence and management of all lighthouses, buoys, and beacons shall within the following areas be vested in the following bodies; namely,—
- (a) Throughout England and Wales, [^{F315}and the Channel Islands,] and the adjacent seas and islands, [^{F316}and at Gibraltar], in the Trinity House;
 - (b) Throughout Scotland and the adjacent seas and islands [^{F315}, and the Isle of Man,] in the Commissioners of Northern Lighthouses; and
 - (c) Throughout Ireland and the adjacent seas and islands, in the Commissioners of Irish Lights,
- and those bodies are in this Act referred to as the general lighthouse authorities, and those areas as lighthouse areas.
- (2) Subject to the provisions of this Part of this Act, the general lighthouse authorities shall respectively continue to hold and maintain all property now vested in them in that behalf in the same manner and for the same purposes as they have hitherto held and maintained the same.

Textual Amendments

F315 Words in s. 634(1) repealed (*prosp.*) by 1993 c. 22, ss. 8(3)(4), 10(2), Sch. 4 para. 36, **Sch. 5 Pt.II**;

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F316 Words repealed (*prosp.*) by Merchant Shipping Act 1988 (c. 12, SIF 111), ss. 48, 57(5), 58(2), Schs. 5, 7 (with s. 58(4), **Sch. 8 para. 1**) and by 1993 c. 22, ss. 8(3)(4), 10(2), Sch. 4 para. 36, **Sch. 5 Pt.II**

Modifications etc. (not altering text)

C75 Definition in s. 634 applied (1.4.1993) by Ports Act 1991 (c. 52, SIF 58), **s. 31(3)**; S.I. 1992/2381, **art. 2**

634 Management of lighthouses, buoys, and beacons. U.K.

(1) Subject to the provisions of this Part of this Act, and subject also to any powers or rights now lawfully enjoyed or exercised by any person or body of persons having by law or usage authority over local lighthouses, buoys, or beacons, (in this Act referred to as “local lighthouse authorities,”) the superintendence and management of all lighthouses, buoys, and beacons shall within the following areas be vested in the following bodies; namely,—

- (a) Throughout England and Wales, and the Channel Islands, and the adjacent seas and islands, [^{F490}and at Gibraltar], in the Trinity House;
- (b) Throughout Scotland and the adjacent seas and islands, and the Isle of Man, in the Commissioners of Northern Lighthouses; and
- (c) Throughout Ireland and the adjacent seas and islands, in the Commissioners of Irish Lights,

and those bodies are in this Act referred to as the general lighthouse authorities, and those areas as lighthouse areas.

(2) Subject to the provisions of this Part of this Act, the general lighthouse authorities shall respectively continue to hold and maintain all property now vested in them in that behalf in the same manner and for the same purposes as they have hitherto held and maintained the same.

Textual Amendments

F490 Words repealed (*prosp.*) by Merchant Shipping Act 1988 (c. 12, SIF 111), ss. 48, 57(5), 58(2), Schs. 5, 7 (with s. 58(4), **Sch. 8 para. 1**)

Modifications etc. (not altering text)

C117 Definition in s. 634 applied (1.4.1993) by Ports Act 1991 (c. 52, SIF 58), **s. 31(3)**; S.I. 1992/2381, **art.2**

[^{F317}**634A] Joint discharge of functions by general lighthouse authorities.**

(1) Two or more of the general lighthouse authorities may discharge any of their functions jointly; and for that purpose—

- (a) those authorities may share any part of their respective establishments, and
- (b) any of them may, in the area of another and on that other’s behalf, execute any works or do any other thing which the authority have power to execute or do in their own area;

and any enactment relating to the functions in question or to the authorities by whom or the areas in which those functions are to be discharged shall be construed accordingly.

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- (2) Any expenses incurred by any of the general lighthouse authorities in pursuance of this section shall be apportioned between that authority and the other authority or authorities concerned in such manner as may be agreed between them or (in default of agreement) determined by the Secretary of State.]

Textual Amendments

F317 S. 634A inserted by Merchant Shipping Act 1988 (c. 12, SIF 111), s. 41 (with s. 58(4), Sch. 8 para. 1)

635 Returns and information to Board of Trade.

The general lighthouse authorities, and their respective officers, shall at all times give to the Board of Trade all such returns, explanations or information, in relation to the lighthouses, buoys, or beacons within their respective areas, and the management thereof, as the Board require.

636 Power of Board of Trade to inspect on complaint made.

- (1) The Board of Trade may, on complaint that any lighthouse, buoy, or beacon under the management of any of the general lighthouse authorities, or any work connected therewith, is inefficient or improperly managed or is unnecessary, authorise any persons appointed by them to inspect the same.
- (2) A person so authorised may inspect the same accordingly, and make any inquiries in respect thereof, and of the management thereof, which he thinks fit; and all officers and others having the care of any such lighthouses, buoys, or beacons, or concerned in the management thereof, shall furnish any information and explanation in relation thereto which the person inspecting requires.

637 **F318**

Textual Amendments

F318 Ss. 637, 640, 641 repealed by Merchant Shipping Act 1979 (c. 39), Sch. 7 Pt. II

Construction of Lighthouses, &c.

638 General powers of lighthouse authorities.

A general lighthouse authority shall, within their area . . . ^{F319}, have the following powers (in this Act referred to as Lighthouse powers); namely, powers—

- (a) to erect or place any lighthouse, with all requisite works, roads, and appurtenances:
- (b) to add to, alter, or remove any lighthouse:
- (c) to erect or place any buoy or beacon, or alter or remove any buoy or beacon:
- (d) to vary the character of any lighthouse or the mode of exhibiting lights therein. [^{F320} Any reference in this Part of this Act to a lighthouse, buoy or beacon includes its appurtenances.]

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Textual Amendments

F319 Words repealed by [Merchant Shipping Act 1979 \(c. 39\)](#), [Sch. 7 Pt. II](#)

F320 Words in [s. 638](#) inserted (1.5.1994) by [1993 c. 22, s. 8\(3\)](#), [Sch. 4 para.37](#); S.I. 1993/3137, [art. 3\(2\)](#)

639 Powers as to land.

(1) A general lighthouse authority may take and purchase any land which may be necessary for the exercise of their lighthouse powers, or for the maintenance of their works or for the residence of the light keepers.

[^{F321}(1A) For the purpose of the acquisition of land by a general lighthouse authority under subsection (1) above the following provisions shall apply—

- (a) if the land is in England and Wales, the provisions of Part I of the Compulsory Purchase Act 1965 (so far as applicable) except sections 4 to 8, 27 and 31;
- (b) if the land is in Scotland, the provisions of the Lands Clauses Acts (so far as applicable) except sections 120 to 125, 127, 142 and 143 of the Lands Clauses Consolidation (Scotland) Act 1845;
- (c) if the land is in Northern Ireland, the provisions of the Land Clauses Acts (so far as applicable) except sections 16 to 18, 19, 20, 92 to 94, 123, 127 to 132, 150 and 151 of the Lands Clauses Consolidation Act 1845.]

(2) A general lighthouse authority may sell any land belonging to them.

Textual Amendments

F321 Words in [s. 639\(1\)](#) substituted with [s. 639\(1A\)](#) (1.5.1994) by [1993 c. 22, s. 8\(3\)](#), [Sch. 4 para.38](#); S.I. 1993/3137, [art. 3\(2\)](#)

640, ^{F322}

641.

Textual Amendments

F322 [Ss. 637, 640, 641](#) repealed by [Merchant Shipping Act 1979 \(c. 39\)](#), [Sch. 7 Pt. II](#)

642 Additions to lighthouses.

Where any improved light [^{F323}or beacon], or any siren or any description of fog signal has been added to an existing lighthouse, the light [^{F323}or beacon], siren or signal may, for the purposes of this Part of this Act, be treated as if it were a separate lighthouse.

Textual Amendments

F323 Words in [s. 642](#) inserted (1.5.1994) by [1993 c. 22, s. 8\(3\)](#), [Sch. 4 para.39](#); S.I. 1993/3137, [art. 3\(2\)](#)

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Light Dues

643 Continuance of light dues.

.....^{F324}^{F325} A general lighthouse authority may demand, take and recover dues in respect of lighthouses, buoys and beacons under their management (in this Part of this Act called light dues) in accordance with the following provisions of this Part of this Act and for that purpose appoint persons to collect them.] Light dues shall be payable in respect of all ships whatever, except ships belonging to Her Majesty, and ships exempted from payment thereof in pursuance of this Act.

Textual Amendments

F324 Words repealed by [Merchant Shipping \(Mercantile Marine Fund\) Act 1898 \(c. 44\)](#), [Sch. 4](#)

F325 Words in [s. 643](#) inserted (1.5.1994) by [1993 c. 22, s. 8\(3\)](#), [Sch. 4 para.40](#); [S.I. 1993/3137, art. 3\(2\)](#)

[643A^{F326} Information to determine light dues.

- (1) A general lighthouse authority may, for the purpose of determining whether any and, if so, what light dues are payable in respect of any ship, require any relevant authority or any person who is liable to pay light dues in respect of the ship, to furnish to the general lighthouse authority such information in that authority's or person's possession or control relating to the arrival or departure of the ship at or from any port within their area as they may reasonably require for that purpose.
- (2) A general lighthouse authority may require any relevant authority to furnish to them such information in the relevant authority's possession or control relating to the movements within the relevant authority's area of ships or ships of any class or description for the purpose of determining whether any and, if so, what light dues are payable in respect of the ships.
- (3) The powers conferred on a general lighthouse authority by subsections (1) and (2) above shall also be available to the person appointed by them to collect dues at a port.
- (4) It shall be the duty of a relevant authority or person of whom a requirement for information is made under subsection (1), (2) or (3) above to furnish information as soon as is reasonably practicable.
- (5) In this section "relevant authority" means—
 - (a) a harbour authority;
 - (b) the Commissioners of Customs and Excise; and
 - (c) a conservancy authority.]

Textual Amendments

F326 [S. 643A](#) inserted (1.5.1994) by [1993 c. 22, s. 8\(3\)](#), [Sch. 4 para.41](#); [S.I. 1993/3137, art. 3\(2\)](#)

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646

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Textual Amendments

F327 Ss. 644–646 repealed by Merchant Shipping (Mercantile Marine Fund) Act 1898 (c. 44), **Sch. 4**

[647] ^{F328} Availability of light dues regulations for inspection.

A copy of the regulations in force under section 5(2) of the Merchant Shipping (Mercantile Marine Fund) Act 1898 (as substituted by section 36(2) of the Merchant Shipping Act 1979) in respect of light dues shall be kept at—

- (a) the principal office of the general lighthouse authority, and
- (b) the office of the appointed collector at every port where such dues are collected;

and shall be open for inspection there during reasonable hours by any person without charge.]

Textual Amendments

F328 S. 647 substituted (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para.42**; S.I. 1993/3137, **art. 3(2)**

648 Application and collection of light dues.

- (1) ^{F329}
- (2) Every person appointed to collect light dues by any of the general lighthouse authorities shall collect all light dues payable at the port at which he is so appointed [^{F330}or (as the case may be) such of those dues as he is so appointed to collect], whether they are collected on account of the authority by whom he was appointed or on account of one of the other general lighthouse authorities.
- (3) Any person so appointed to collect light dues shall pay over to the general lighthouse authority by whom he was appointed, or as that authority directs, the whole amount of light dues received by him. [^{F331}(4) A general lighthouse authority receiving dues (whether themselves or from a collector)] shall keep accounts thereof, and shall cause the dues to be remitted to Her Majesty's Paymaster-General in such manner as the Board of Trade direct.

Textual Amendments

F329 S. 648(1) repealed by Merchant Shipping Act 1988 (c. 12, SIF 111), ss. 48, 57(5), Schs. 5, 7 (with s. 58(4), Sch. 8 para. 1)

F330 Words inserted by Merchant Shipping Act 1988 (c. 12, SIF 111), s. 48, **Sch. 5** (with s. 58(4), Sch. 8 para. 1)

F331 Words in s. 648(3) substituted for s. 648(4) (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para.43**; S.I. 1993/3137, **art. 3(2)**

649 Recovery of light dues.

- (1) The following persons shall be liable to pay light dues for any ship in respect of which light dues are payable; namely,—

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- (a) The owner or master; or
- (b) Such consignees or agents thereof as have paid, or made themselves liable to pay, any other charge on account of the ship in the port of her arrival or discharge;

and those dues may [^{F332}, except in Scotland,] be recovered in the same manner as fines of a like amount under this Act.

[^{F332}(1A) In Scotland light dues shall, for the purposes of their recovery, be regarded as a debt due to the general lighthouse authority.]

- (2) Any consignee or agent (not being the owner or master of the ship) who is hereby made liable for the payment of light dues in respect of any ship, may, out of any moneys received by him on account of that ship or belonging to the owner thereof, retain the amount of all light dues paid by him, together with any reasonable expenses he may have incurred by reason of the payment of the dues or his liability to pay the dues.

Textual Amendments

F332 Words and s. 649(1A) inserted (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para. 44** (a)(b); S.I. 1993/3137, **art. 3(2)**

650 Distress on ship for light dues.

- (1) If the owner or master of any ship fails, on demand of the authorised collector, to pay the light dues due in respect thereof, that collector may, in addition to any other remedy which he or the authority by whom he is appointed is entitled to use, enter upon the ship, and distrain the goods, ^{F333} . . . tackle, or any thing belonging to, or on board, the ship, and detain that distress until the light dues are paid.
- (2) If payment of the light dues is not made within the period of [^{F333}five] days next ensuing the distress, the collector may, at any time during the continuance of non-payment, cause the distress to be [^{F333}independently appraised and thereupon sold by public auction], and apply the proceeds in payment of the light dues due, together with all reasonable expenses incurred by him under this section, paying the surplus (if any), on demand, to the owner or master of the ship.

[^{F333}(3) This section does not apply to Scotland.]

Textual Amendments

F333 Word "guns" in s. 650(1) repealed (1.5.1994) by 1993 c. 22, s. 8(3)(4), **Sch. 4 para. 45(a)**, **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

Words in s. 650(2) substituted (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para. 45(b)(i)(ii)**; S.I. 1993/3137, **art. 3(2)**

S. 650(3) added (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para. 45(c)**; S.I. 1993/3137, **art. 3(2)**

651 Receipt for light dues.

A receipt for light dues shall be given [^{F334}to the person paying them by the authority or person receiving them from him], and a ship may be detained at any port [^{F334}until the receipt for any dues due in respect of the ship] is produced to the proper [^{F335}officer of customs and excise][^{F334}or the person appointed to collect light dues at the port].

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Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1894. (See end of Document for details)

Textual Amendments

F334 Words in s. 651 substituted (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para.46**; S.I. 1993/3137, **art. 3(2)**

F335 Words substituted by virtue of **Customs and Excise Management Act 1979 (c. 2), Sch. 4 para. 1**

Local Lighthouses

652 Inspection of local lighthouses.

- (1) It shall be the duty of each of the general lighthouse authorities, or of any person authorised by that authority for the purpose, to inspect all lighthouses, buoys, and beacons situate within their area, but belonging to or under the management of any local lighthouse authority, and to make such inquiries in respect thereof and of the management thereof as they think fit.
- (2) All officers and others having the care of any such local lighthouses, buoys, or beacons, or concerned in the management thereof, shall furnish all such information and explanations concerning the same as the general lighthouse authority require.
- (3) All local lighthouse authorities and their officers shall at all times give to the general lighthouse authority all such returns, explanations, or information concerning the lighthouses, buoys, and beacons under their management and the management thereof, as the general lighthouse authority require.
- (4) The general lighthouse authority shall communicate to each local lighthouse authority the results of the inspection of their lighthouses, buoys, and beacons, and shall also make general reports of the results of their inspection of local lighthouses, buoys, and beacons to the Board of Trade . . . ^{F336}

Textual Amendments

F336 Words repealed by **Merchant Shipping Act 1988 (c. 12, SIF 111), ss. 48, 57(5), Schs. 5, 7 (with s. 58(4), Sch. 8 para. 1)**

653 Control of local lighthouse authorities by general lighthouse authorities.

- (1) A general lighthouse authority may, within their area, with the sanction of the Board of Trade, and after giving due notice of their intention, direct a local lighthouse authority to lay down buoys, or to remove or discontinue any lighthouse, buoy, or beacon, or to make any variation in the character of any lighthouse, buoy, or beacon, or in the mode of exhibiting lights in any lighthouse, buoy, or beacon.
- (2) A local lighthouse authority shall not erect or place any lighthouse, buoy, or beacon, or remove or discontinue any lighthouse, buoy, or beacon, or vary the character of any lighthouse, buoy, or beacon, or the mode of exhibiting lights in any lighthouse, buoy, or beacon, without the sanction of the general lighthouse authority.
- [^{F337}(3) A direction under subsection (1) of this section shall be given in writing; and it shall be the duty of a local lighthouse authority to whom such a direction is given to comply with it.]

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Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1894. (See end of Document for details)

- (5) Nothing in this section shall apply to local buoys and beacons placed or erected for temporary purposes.

Textual Amendments

F337 S. 653(3) substituted (1.4.1993) for s. 653(3)(4) by [Ports Act 1991 \(c. 52, SIF 58\)](#), [s. 31\(6\)](#); S.I. 1992/2381, [art. 2](#)

654 Surrender of local lighthouses.

- (1) A local lighthouse authority may, if they think fit, surrender or sell any lighthouse, buoy, or beacon held by them to the general lighthouse authority within whose area it is situated, and that general lighthouse authority may, with the consent of the Board of Trade, accept or purchase the same.

[^{F338}(2) The reference in subsection (1) of this section to a lighthouse, buoy or beacon includes its appurtenances.]

Textual Amendments

F338 S. 654(2) substituted (1.4.1993) for s. 654(2)(3) by [Ports Act 1991 \(c. 52, SIF 58\)](#), [s. 33\(4\)](#); S.I. 1992/2381, [art.2](#)

Modifications etc. (not altering text)

C76 S. 654(1) restricted (1.4.1993) by [Ports Act 1991 \(c. 52, SIF 58\)](#), [s. 33\(3\)](#); S.I. 1992/2381, [art.2](#)

655 [^{F339}Light dues for local light.

[^{F340}(1) If any lighthouse, buoy, or beacon is erected or placed, or reconstructed, repaired, or replaced by a local lighthouse authority, Her Majesty may, on the application of that authority, by Order in Council, fix such dues to be paid to that authority in respect of every ship which enters the port or harbour under the control of that authority or the estuary in which the lighthouse, buoy, or beacon is situate, and which passes the lighthouse, buoy, or beacon and derives benefit therefrom as Her Majesty may think reasonable.]

- (2) Any [^{F341}dues fixed under this section (in this Act referred to as] local light dues) shall be paid by the same persons and may be recovered in the same manner as light dues under this Part of this Act.

[^{F340}(3) Her Majesty may by Order in Council reduce, alter, or increase any local light dues, so that those dues, so far as possible, may be sufficient and not more than sufficient for the payment of the expenses incurred by the local lighthouse authority in respect of the lighthouses, buoys, or beacons for which the dues are levied.]]

Textual Amendments

F339 S. 655 repealed (N.I.) (1.5.1994) by [1993 c. 22, s. 8\(3\)\(4\)](#), [Sch. 4 para. 47](#), [Sch. 5 Pt.II](#); S.I. 1993/3137, [art. 3\(2\)](#)

F340 S. 655(1)(3) repealed (E.W.)(S.) by [Harbours Act 1964 \(c. 40\)](#), [Sch. 6](#)

F341 Words repealed (E.W.)(S.) by [Harbours Act 1964 \(c. 40\)](#), [Sch. 6](#)

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Modifications etc. (not altering text)

C77 S. 655 amended (E.W.)(S.) by Harbours Act 1964 (c. 40), s. 29(3)(4)

656 Application of local light dues.

- (1) All local light dues shall be applied by the authority by whom they are levied for the purpose of the construction, placing, maintenance, and improvement of the lighthouses, buoys, and beacons in respect of which the dues are levied, and for no other purpose.
- (2) The local lighthouse authority to whom any local light dues are paid shall keep a separate account of the receipt and expenditure of those dues ^{F342} . . .

Textual Amendments

F342 Words in s. 656(2) repealed (1.5.1994) by 1993 c. 22, s. 8(3)(4), Sch. 4 para. 48, Sch. 5 Pt. II; S.I. 1993/3137, art. 3(2)

Modifications etc. (not altering text)

C78 S. 656 amended (E.W.)(S.) by Harbours Act 1964 (c. 40), s. 29(3)(4)

[^{F343} 657 Reduction of local light dues.

A local lighthouse authority may, with the consent of Her Majesty in Council (if they have not otherwise power to do so), reduce all or any dues receivable by them in respect of lighthouses, buoys, and beacons.]

Textual Amendments

F343 S. 657 repealed (E.W.)(S.) by Harbours Act 1964 (c. 40), Sch. 6

Expenses of General Lighthouse Authorities

[^{F344} 658 Expenses of general lighthouse authorities to be paid out of General Lighthouse Fund.

Any expenses incurred by the general lighthouse authorities in connection with the discharge of their functions under this Part of this Act shall be paid out of the General Lighthouse Fund.]

Textual Amendments

F344 S. 658 substituted by Merchant Shipping Act 1988 (c. 12, SIF 111), s. 48, Sch. 5 (with s. 58(4), Sch. 8 para. 1)

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659 Establishments of general lighthouse authorities.

- (1) [^{F345}The Secretary of State may determine]the establishments to be maintained by each of the general lighthouse authorities on account of the services of lighthouses, buoys, and beacons, or the annual or other sums to be paid out of [^{F346}the General Lighthouse Fund] in respect of those establishments.
- (2) If it appears that any part of the establishments of the general lighthouse authorities is maintained for other purposes as well as for the purposes of their duties as general lighthouse authorities, [^{F345}the Secretary of State may determine] the portion of the expense of those establishments to be paid out of [^{F346}the General Lighthouse Fund].
- (3) An increase of any establishment or part of an establishment [^{F347}determined]under this section shall not be made without the consent of the Board of Trade.

Textual Amendments

F345 Words substituted by [Merchant Shipping Act 1988 \(c. 12, SIF 111\)](#), s. 48, **Sch. 5** (with s. 58(4), [Sch. 8 para. 1](#))

F346 Words substituted by virtue of [Merchant Shipping \(Mercantile Marine Fund\) Act 1898 \(c. 44\)](#), **s. 1(1)(c)**

F347 Word substituted by [Merchant Shipping Act 1988 \(c. 12, SIF 111\)](#), s. 48, **Sch. 5** (with s. 58(4), [Sch. 8 para. 1](#))

Modifications etc. (not altering text)

C79 [S. 659](#) extended by [Merchant Shipping \(Amendment\) Act 1920 \(c. 2\)](#), **s. 1**

C80 [S. 659](#) amended by [Merchant Shipping \(Amendment\) Act 1920 \(c. 2, SIF 111\)](#), **s. 1**

660 Estimates or accounts of expenses sent to Board of Trade.

- (1) An expense of a general lighthouse authority in respect of the services of lighthouses, buoys, and beacons shall not be paid out of [^{F348}the General Lighthouse Fund] or allowed in account, unless either it has been allowed as part of the establishment expenses under this Act, or an estimate or account thereof has been approved by the Board of Trade.
- (2) For the purpose of approval by the Board of Trade, each of the general lighthouse authorities shall submit to that Board an estimate of all expenses to be incurred by them in respect of lighthouses, buoys, or beacons, other than expenses allowed under this Act on account of their establishments, or, in case it is necessary in providing for any sudden emergency to incur any such expense without waiting for the sanction of an estimate, shall as soon as possible submit to the Board of Trade a full account of the expense incurred.
- (3) The Board of Trade shall consider any estimates and accounts so submitted to them, and may approve them either with or without modification.

Textual Amendments

F348 Words substituted by virtue of [Merchant Shipping \(Mercantile Marine Fund\) Act 1898 \(c. 44\)](#), **s. 1(1)(c)**

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661 F349

Textual Amendments

F349 S. 661 repealed with saving by [National Loans Act 1968 \(c. 13\)](#), [Sch. 6 Pt. I](#)

[^{F350} 662 Borrowing powers of general lighthouse authorities.

- (1) A general lighthouse authority may, with the consent of the Secretary of State and the Treasury, borrow money for the purpose of defraying any expenses incurred or to be incurred by the authority in connection with the discharge of their functions under this Act.
- (2) A general lighthouse authority may, in connection with any advance to them under this section, mortgage any land or other property belonging to them.
- (3) Any sums payable by a general lighthouse authority under the terms of an advance under this section by way of principal, interest or otherwise shall be paid out of the General Lighthouse Fund.]

Textual Amendments

F350 Ss. 662, 662A, 662B substituted by [Merchant Shipping Act 1988 \(c. 12, SIF 111\)](#), [s. 42\(1\)](#), (with s. 58(4), Sch. 8 para. 1)

[^{F351} 662A Limit on borrowing under s. 662.

- (1) The aggregate amount outstanding in respect of the principal of any sums borrowed under section 662 of this Act shall not at any time exceed £100 million.
- (2) The Secretary of State may, by order made by statutory instrument with the approval of the Treasury, increase or further increase that limit, but not by more than £33 million at a time.
- (3) An order shall not be made under subsection (2) of this section unless a draft of the order has been laid before and approved by a resolution of the House of Commons.]

Textual Amendments

F351 Ss. 662, 662A, 662B substituted by [Merchant Shipping Act 1988 \(c. 12, SIF 111\)](#), [s. 42\(1\)](#), (with s. 58(4), Sch. 8 para. 1)

[^{F352} 662B Guarantees by Secretary of State.

- (1) The Secretary of State with the consent of the Treasury may guarantee, in such manner and on such conditions as he thinks fit, the repayment of the principal of, the payment of interest on, and the discharge of any other financial obligation in connection with, any sums borrowed by a general lighthouse authority under section 662 of this Act.
- (2) Immediately after a guarantee is given under this section, the Secretary of State shall lay a statement of the guarantee before each House of Parliament, and where any sum

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is issued for fulfilling a guarantee so given the Secretary of State shall, as soon as possible after the end of each financial year beginning with that in which the sum is issued and ending with that in which all liability in respect of the principal of the sum and in respect of interest thereon is finally discharged, lay before each House of Parliament a statement relating to that sum.

- (3) Any sums required by the Secretary of State for fulfilling any guarantee under this section shall be paid out of money provided by Parliament.
- (4) If any sums are issued in fulfilment of any guarantee given under this section there shall be made to the Secretary of State out of the General Lighthouse Fund, at such times and in such manner as the Secretary of State may determine with the consent of the Treasury, payments of such amounts as the Secretary of State may so determine in or towards repayment of the sums so issued, and payments of interest on what is outstanding for the time being in respect of sums so issued at such rate as the Secretary of State may so determine.
- (5) The Secretary of State, with the consent of the Treasury, may vary or revoke any determination made by him under subsection (4) of this section.
- (6) Any sums received by the Secretary of State under that subsection shall be paid into the Consolidated Fund.]

Textual Amendments

F352 Ss. 662, 662A, 662B substituted by Merchant Shipping Act 1988 (c. 12, SIF 111), s. 42(1), (with s. 58(4), Sch. 8 para. 1)

663 **F353**

Textual Amendments

F353 S. 663 repealed by Merchant Shipping Act 1988 (c. 12, SIF 111), ss. 42(2), 57(5), Sch. 7 (with s. 58(4), Sch. 8 para. 1)

664 Accounts of general lighthouse authorities.

Each of the general lighthouse authorities shall account to the Board of Trade for [^{F354}the light dues and other sums received by or accruing to them by virtue of, or in connection with, the discharge of their functions under this Part of this Act or Part IX of this Act] and for their expenditure in respect of expenses paid out of [^{F355}the General Lighthouse Fund] in such form and at such times, and with such details, explanations, and vouchers, as the Board of Trade require, and shall, when required by that Board, permit all [^{F354}accounting records] kept by or under their respective direction to be inspected and examined by such persons as that Board appoint for that purpose.

Textual Amendments

F354 Words in s. 664 substituted (1.5.1994) by 1993 c. 22, s. 8(3), Sch. 4 para.49; S.I. 1993/3137, art. 3(2)

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F355 Words substituted by virtue of [Merchant Shipping \(Mercantile Marine Fund\) Act 1898 \(c. 44\), s. 1\(1\)\(c\)](#)

665 **F356**

Textual Amendments

F356 S. 665 repealed by [Superannuation Act 1972 \(c. 11\), s. 29\(4\), Sch. 8](#)

Offences in connexion with Lighthouses, &c.

666 Injury to lighthouses, &c.

- [^{F357}(1) A person who, without lawful authority—
- (a) intentionally or recklessly damages—
 - (i) any lighthouse or the lights exhibited in it, or
 - (ii) any lightship, buoy or beacon;
 - (b) removes, casts adrift or sinks any lightship, buoy or beacon; or
 - (c) conceals or obscures any lighthouse, buoy or beacon;
- commits an offence.

- (1A) A person who, without reasonable excuse,—
- (a) rides by,
 - (b) makes fast to, or
 - (c) runs foul of,
- any lightship, buoy or beacon commits an offence.]

- (2) If any person acts in contravention of this section, he shall, in addition to the expenses of making good any damage so occasioned, be liable for each offence to a fine not exceeding [^{F358}[^{F359}£500]] [^{F358}level 4 on the standard scale].

Textual Amendments

F357 S. 666(1)(1A) substituted (1.5.1994) for s. 661(1) by [1993 c. 22, s. 8\(3\), Sch. 4 para.50](#); S.I. 1993/3137, [art. 3\(2\)](#)

F358 Words “level 4 on the standard scale” substituted (E.W.S.) for “£500” by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), s. 289G](#)

F359 Word substituted by virtue of [Merchant Shipping Act 1979 \(c. 39\), s. 43\(1\), Sch. 6 Pt. III](#)

667 Prevention of false lights.

- (1) Whenever any ^{F360} . . . light is ^{F360} . . . exhibited at such place or in such manner as to be liable to be mistaken for a light proceeding from a lighthouse, the general lighthouse authority within whose area the place is situate, may serve a notice upon the owner of the place where the ^{F360} . . . light is ^{F360} . . . exhibited, or on the person having the charge of the ^{F360} . . . light, directing that owner or person, within a reasonable time

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to be specified in the notice, to take effectual means for extinguishing or effectually screening the ^{F360} . . . light, and for preventing for the future any similar ^{F360} . . . light.

- (2) The notice may be served either personally or by delivery of the same at the place of abode of the person to be served, or by affixing the same in some conspicuous spot near to the ^{F360} . . . light to which the notice relates.
- (3) If any owner or person on whom a notice is served under this section fails, without reasonable cause, to comply with the directions contained in the notice, he shall be guilty of [^{F361}an offence and liable to a fine not exceeding [^{F362}one thousand pounds][^{F362}level 5 on the standard scale]].
- (4) If any owner or person on whom a notice under this section is served neglects for a period of seven days to extinguish or effectually screen the ^{F360} . . . light mentioned in the notice, the general lighthouse authority may, by their servants or workmen, enter upon the place where the ^{F360} . . . light is, and forthwith extinguish the same, doing no unnecessary damage; and [^{F363}, except in Scotland,] may recover the expenses incurred by them in so doing from the owner or person on whom the notice has been served in the same manner as fines may be recovered under this Act.
- [^{F363}(4A) In Scotland any such expenses as are mentioned in subsection (4) above shall, for the purposes of their recovery, be regarded as a debt due by the owner or person on whom the notice has been served to the general lighthouse authority.]

Textual Amendments

F360 Words in s. 667 repealed (1.5.1994) by 1993 c. 22, s. 8(3)(4), Sch. 4 para. 51(a), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

F361 Words substituted by Merchant Shipping Act 1979 (c. 39), **Sch. 6 Pt. VI para. 10**

F362 Words “level 5 on the standard scale” substituted (E.W.S.) for “one thousand pounds” by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 46** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **s. 289G**

F363 Words in s. 667(4) inserted (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para. 51(b)**; S.I. 1993/3137, **art. 3(2)**

S. 667(4A) added (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para. 51(c)**; S.I. 1993/3137, **art. 3(2)**

Commissioners of Northern Lighthouses

668 Incorporation of Commissioners of Northern Lights.

- (1) The persons holding the following offices shall be a body corporate under the name of the Commissioners of Northern Lighthouses; (that is to say,)
- (a) The Lord Advocate and the Solicitor-General for Scotland;
 - (b) The lords provosts of Edinburgh, Glasgow, and Aberdeen, and the [^{F364}chairmen of the Inverness and Argyll district councils];
 - (c)^{F365}
 - [^{F366}(d) The sheriffs principal of all the sheriffdoms in Scotland]
 - [^{F367}(dd) a person nominated by the Lieutenant-Governor of the Isle of Man and appointed by the Secretary of State]
 - (e) Any person elected under this section.

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- (2) The Commissioners shall have a common seal; and any five of them shall constitute a quorum, and shall have power to do all such matters and things as might be done by the whole body.
- (3) The Commissioners may elect the [^{F364}chairman of any district council which include in their area] any part of the coasts of Scotland . . . ^{F368} to be a member of their body.
- [^{F369}(4) The Commissioners may elect, as members of their body, not more than [^{F370}five other persons; but a person shall not be elected in pursuance of this subsection after section 33(2) of the ^{M3}Merchant Shipping Act 1979 comes into force unless either he appears to the Commissioners to have special knowledge and experience of nautical matters or three persons who so appear are members of the said body.]
- (5) A person appointed by the Secretary of State under subsection (1)(dd) above, or a person appointed by the Commissioners under subsection (4) above, shall hold office for three years, but shall be eligible for re-appointment.]

Textual Amendments

- F364** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 27 Pt. II para. 25](#)
- F365** [S. 668\(1\)\(c\)](#) repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 29](#)
- F366** [S. 668\(1\)\(d\)](#) substituted by [S.I. 1974/2087, Sch. II](#)
- F367** [S. 668\(1\)\(dd\)](#) inserted by [Merchant Shipping Act 1974 \(c. 43\), s. 18\(1\)\(2\)](#)
- F368** Words repealed by [S.I. 1974/2087, Sch. III](#)
- F369** [S. 668\(4\)\(5\)](#) added by [Merchant Shipping Act 1974 \(c. 43\), s. 18\(1\)\(3\)](#)
- F370** Words substituted by [Merchant Shipping Act 1979 \(c. 39\), s. 33\(2\)](#)

Marginal Citations

- M3** [1979 c. 39.](#)

Provision as to Channel Islands

669 Restriction on exercise of powers in Channel Islands.

- (1) The powers of the Trinity House under this Part of this Act with respect to lighthouses, buoys, or beacons already erected or placed, or hereafter to be erected or placed, in the islands of Guernsey or Jersey (other than their powers with respect to the surrender or purchase of local lighthouses, buoys, and beacons, and the prevention of false lights) shall not be exercised without the consent of Her Majesty in Council.
- (2) Dues for any lighthouse, buoy, or beacon erected or placed in or near the islands of Guernsey, Jersey, Sark, or Alderney shall not be taken in the islands of Guernsey or Jersey without the consent of the States of those Islands respectively.

670– ^{F371}
672

Textual Amendments

- F371** [S. 670–672](#) repealed by [Merchant Shipping Act 1979 \(c. 39\), Sch. 7 Pt. II](#)

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673 F372

Textual Amendments
F372 S. 673 repealed by Merchant Shipping (Mercantile Marine Fund) Act 1898 (c. 44), Sch. 4

674 F373

Textual Amendments
F373 S. 674 repealed with saving by National Loans Act 1968 (c. 13), Sch. 6 Pt. I

675 F374

Textual Amendments
F374 S. 675 repealed by Merchant Shipping Act 1979 (c. 39), Sch. 7 Pt. II

PART XII

MERCANTILE MARINE FUND

676 Sums payable to the Mercantile Marine Fund.

- (1) [^{F375}The following sums (being sums which, in accordance with this subsection as originally enacted, were required to be paid to the former Mercantile Marine Fund) shall be paid into the Consolidated Fund]—
 - (a) all fees, charges, and expenses payable in respect of the survey or measurement of ships under this Act:
 - (b) all fees and other sums (other than fines and forfeitures) received by the Board of Trade under the ^{F376} . . . Fifth Parts of this Act, ^{F376} . . .
 - ^{F377}(c)
 - ^{F378}(d)
 - (e) all fees and other sums payable in respect of any services performed by any person employed under the authority of the Third Part of this Act:
 - ^{F378}(f)
 - (g) ^{F379}
 - (h) any fees received by receivers of wreck under the Ninth Part of this Act:
 - (i) ^{F380}
 - (k) all costs and expenses ordered by the court to be paid to the Board of Trade in pursuance of the ^{M4}Boiler Explosions Acts 1882 ^{M5} and 1890:
- [^{F381}(l) any other sums which are by virtue of any enactment (as it has effect in accordance with subsection (1A) of this section) required to be paid into the Consolidated Fund in accordance with this section.]

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[^{F382}(1A) References (however phrased) in any enactment not contained in this section to the payment of sums into, or to the carrying of sums to the account of, the Mercantile Marine Fund shall be construed as references to the payment of sums into, or to the carrying of sums to the account of, the Consolidated Fund in accordance with this section, and connected phrases shall be construed accordingly.]

(2) All fees mentioned in this section shall be paid at such time and in such manner as the Board of Trade direct.

Textual Amendments

- F375** Words substituted by Merchant Shipping Act 1988 (c. 12, SIF 111), s. 48, **Sch. 5**, (with s. 58(4), Sch. 8 para. 1)
- F376** Words repealed (1.5.1995) by Merchant Shipping Act 1970 (c. 36), s. 100, **Sch. 5**; S.I. 1995/965, art. 2, **Sch.** appendix
- F377** S. 676(1)(c) repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt. II**; S.I. 1993/3137, art. 3(2)
- F378** S. 676(1)(d)(f) repealed (1.5.1995) by Merchant Shipping Act 1970 (c. 36), s. 100 **Sch. 5**; S.I. 1995/965, art. 2, **Sch.** appendix
- F379** S. 676(1)(g) repealed by Statute Law Revision Act 1908 (c. 49)
- F380** S. 676(1)(i) repealed by Merchant Shipping Act 1988 (c. 12, SIF 111), ss. 48, 57(5), Schs. 5, 7 (with s. 58(4), Sch. 8 para. 1)
- F381** S. 676(1)(l) substituted by Merchant Shipping Act 1988 (c. 12, SIF 111), s. 48, **Sch. 5** (with s. 58(4), Sch. 8 para. 1)
- F382** S. 676(1A) inserted by Merchant Shipping Act 1988 (c. 12, SIF 111), s. 48, **Sch. 5** (with s. 58(4), Sch. 8 para. 1)

Marginal Citations

- M4** 1882 c. 22.
M5 1890 c. 35.

677 Application of Mercantile Marine Fund.

[^{F383}(1) [^{F384}The following expenses and other amounts (being expenses and amounts which, in accordance with this section as originally enacted, were payable out of the former Mercantile Marine Fund) shall be payable out of money provided by Parliament]so far as they are not paid by any private person:—^{F385}

- (a)
- (b) The salaries of all surveyors of ships and officers appointed under this Act and all expenses incurred in connexion with the survey and measurement of ships under this Act^{F386}
- (c) The salaries and expenses of persons employed under the Third Part of this Act:
- (d) The superannuation allowances, gratuities, pensions, and other allowances granted either before or after the passing of this Act to any of the said surveyors, officers, or persons:
- ^{F387}(e)
- (f) Any sums which the Board of Trade, in their discretion, think fit to pay in respect of claims to moneys carried to the Mercantile Marine Fund^{F388} . . . on account of the proceeds of wreck:

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- (g) All expenses of obtaining depositions, reports, and returns respecting wrecks and casualties:
- (h) All expenses incurred in carrying into effect the provisions of this Act with regard to receivers of wrecks and the performance of their duties under this Act:
- (i) ^{F389}
- (k) Any pensions or other sums payable in relation to the duties formerly performed by the Trinity House in respect of lastage and ballastage in the River Thames:
- (l) Such expenses for establishing and maintaining on the coasts of the United Kingdom proper lifeboats with the necessary crews and equipments, and for affording assistance towards the preservation of life and property in cases of shipwreck and distress at sea, and for rewarding the preservation of life in such cases, as the Board of Trade direct:
- (m) ^{F390}
- (n) All costs and expenses incurred by the Board of Trade under the ^{M6}Boiler Explosions Acts 1882 ^{M7} and 1890 (so far as not otherwise provided for), including any remuneration paid in pursuance of section seven of the ^{M8}Boiler Explosions Act 1882, and any costs and expenses ordered by the court in pursuance of those Acts to be paid by the Board of Trade:
- [any other amounts which are by virtue of any enactment (as it has effect in accordance with subsection (2) of this section) payable out of money provided ^{F391}(o) by Parliament in accordance with this section.]
- (2) References (however phrased) in any enactment not contained in this section or in Part XI of this Act to the charging of amounts on, or to the payment of amounts of, the Mercantile Marine Fund shall be construed as references to the payment of amounts out of money provided by Parliament in accordance with this section, and connected phrases shall be construed accordingly.]

Textual Amendments

- F383** S. 677(1) renumbered from S. 677 by Merchant Shipping Act 1988 (c. 12, SIF 111), s. 48, **Sch. 5** (with s. 58(4), **Sch. 8** para. 1)
- F384** Words substituted by Merchant Shipping Act 1988 (c. 12, SIF 111), s. 48, **Sch. 5** (with s. 58(4), **Sch. 8** para. 1)
- F385** S. 677(a) repealed (1.5.1995) by Merchant Shipping Act 1970 (c. 36), s. 100, **Sch. 5**; S.I. 1995/965, art. 2, **Sch.** appendix
- F386** Words repealed (1.5.1995) by Merchant Shipping Act 1970 (c. 36), s. 100, **Sch. 5**; S.I. 1995/965, art. 2, **Sch.** appendix
- F387** S. 677(e) repealed (1.5.1995) by Merchant Shipping Act 1970 (c. 36), s. 100, **Sch. 5**; S.I. 1995/965, art. 2, **Sch.** appendix
- F388** Words in s. 677(1)(f) repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt. II**; S.I. 1993/3137, art. 3(2)
- F389** S. 677(1)(i) repealed by Merchant Shipping Act 1988 (c. 12, SIF 111), ss. 48, 57(5), **Schs. 5, 7**, (with s. 58(4), **Sch. 8** para. 1)
- F390** S. 677(m) repealed by Merchant Shipping Act 1979 (c. 39), **Sch. 7 Pt. II**
- F391** S. 677(1)(o) substituted by Merchant Shipping Act 1988 (c. 12, SIF 111), s. 48, **Sch. 5** (with s. 58(4), **Sch. 8** para. 1)

Marginal Citations

- M6** 1882 c. 22.

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M7 1890 c. 35.

M8 1882 c. 22.

678 **F392**

Textual Amendments

F392 S. 678 repealed by [Merchant Shipping \(Mercantile Marine Fund\) Act 1898 \(c. 44\)](#), **Sch. 4**

[679] ^{F393} **Auditing and laying before Parliament of accounts of General Lighthouse Fund.**

- (1) The accounts of the General Lighthouse Fund for each year shall be examined by the Comptroller and Auditor General who shall send a copy of the accounts certified by him to the Secretary of State.
- (2) The Secretary of State shall lay copies of the accounts before each House of Parliament.]

Textual Amendments

F393 S. 679 substituted (1.5.1994) by [1993 c. 22, s. 8\(3\)](#), **Sch. 4 para.53**; [S.I. 1993/3137](#), **art. 3(2)**

PART XIII

LEGAL PROCEEDINGS

Modifications etc. (not altering text)

C81 Power to extend Pt. XIII conferred by [Foreign Jurisdiction Act 1890 \(c. 37\)](#), s. 5, **Sch. 1**

Prosecution of Offences

680 Prosecution of offences.

- (1) Subject to any special provisions of this Act . . . ^{F394},—
 - (a) an offence under this Act declared to be a misdemeanor, shall be punishable by fine [^{F395}and by imprisonment] not exceeding two years, . . . ^{F396}, but may, instead of being prosecuted as a misdemeanor, be prosecuted summarily in manner provided by the Summary Jurisdiction Acts, and if so prosecuted shall be punishable only with imprisonment for a term not exceeding six months, . . . ^{F396}, [^{F395}and with a fine not exceeding one thousand pounds];
 - (b) an offence under this Act made punishable with imprisonment for any term not exceeding six months, . . . ^{F396}, or by a fine not exceeding [^{F397}level 5 on the standard scale], shall be prosecuted summarily in manner provided by the Summary Jurisdiction Acts.

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- (2) Any offence committed or fine recoverable under a byelaw made in pursuance of this Act may be prosecuted or recovered in the same manner as an offence or fine under this Act.
- (3) ^{F398}

[^{F399}(4) Subsection (2) above shall extend to Scotland, but save as aforesaid this section shall not extend to Scotland.]

Textual Amendments

F394 Words repealed by Criminal Justice Act 1982 c. 48, SIF 39:1), Sch. 15 para. 3(a), Sch. 16, Sch. 17 para. 18

F395 Words substituted by Merchant Shipping Act 1979 (c. 39), **Sch. 6 Pt. VII para. 9**

F396 Words omitted by virtue of (E.W.) Criminal Justice Act 1948 (c. 58), **s. 1(2)** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21), **s. 221(2)** and repealed (N.I.) by Criminal Justice Act (Northern Ireland) 1953 (c. 14), **s. 1(2)**

F397 Words substituted by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 14 para. 2(1)**

F398 S. 680(3) added by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 14 para. 2(2)** and repealed by S.I. 1984/703 (N.I. 3), **Sch. 7**

F399 S. 680(4) inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 15 para. 3(b)**, Sch. 17 para. 18

Modifications etc. (not altering text)

C82 S. 680(1)(a) amended by Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 49(1)**

681 Application of Summary Jurisdiction Acts in certain cases.

- (1) The Summary Jurisdiction Acts shall, so far as applicable, apply—
 - (a) to any proceeding under this Act before a court of summary jurisdiction, whether connected with an offence punishable on summary conviction or not; and
 - (b) to the trial of any case before one justice of the peace, where, under this Act, such a justice may try the case.
- (2) Where under this Act any sum may be recovered as a fine under this Act, that sum, if recoverable before a court of summary jurisdiction, shall, in England [^{F400}or Northern Ireland], be recovered as a civil debt, in manner provided by the Summary Jurisdiction Acts.

Textual Amendments

F400 Words in s. 681(2) inserted (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para.58**; S.I. 1993/3137, **art. 3(2)**

682 ^{F401}

Textual Amendments

F401 S. 682 repealed by Courts Act 1971 (c. 23), **Sch. 11 Pt. IV**

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683 Limitation of time for summary proceedings.

- (1) Subject to any special provisions of this Act neither a conviction for an offence nor an order for payment of money shall be made under this Act in any summary proceeding instituted in the United Kingdom, unless that proceeding is commenced within six months [^{F402}beginning with] the commission of the offence, or [^{F402}beginning with the date on which] the cause of complaint arises as the case may be; or, if both or either of the parties to the proceeding happen during that time to be out of the United Kingdom, unless the same is commenced, in the case of a summary conviction within two months, and in the case of a summary order within six months, after they both first happen to arrive, or to be at one time, within the United Kingdom [^{F403}and, in the case of a summary conviction, before the expiration of three years beginning with the date on which the offence was committed].
- (2) Subject to any special provisions of this Act neither a conviction for an offence nor an order for payment of money shall be made under this Act in any summary proceeding instituted in any British possession, unless that proceeding is commenced within six months after the commission of the offence or after the cause of complaint arises as the case may be; or if both or either of the parties to the proceeding happen during that time not to be within the jurisdiction of any court capable of dealing with the case, unless the same is commenced in the case of a summary conviction within two months, and in the case of a summary order within six months after they both first happen to arrive, or to be at one time, within that jurisdiction.
- (3) No law for the time being in force under any Act, ordinance, or otherwise, which limits the time within which summary proceedings may be instituted shall affect any summary proceeding under this Act.
- (4) ^{F404}

Textual Amendments

F402 Words in s. 683 substituted (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para.59**; S.I. 1993/3137, **art. 3(2)**

F403 Words inserted by Merchant Shipping Act 1979 (c. 39), **s. 42(1)**

F404 S. 683(4) repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), **Sch. 1 Pt. XI**

Modifications etc. (not altering text)

C83 S. 683(1) restricted by Merchant Shipping Act 1979 (c. 39), **s. 42**

S. 683 excluded (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para.59**; S.I. 1993/3137, **art. 3(2)**

Jurisdiction

684 Provision as to jurisdiction in case of offences.

For the purpose of giving jurisdiction under this Act, every offence shall be deemed to have been committed and every cause of complaint to have arisen either in the place in which the same actually was committed or arose, or in any place in which the offender or person complained against may be.

Modifications etc. (not altering text)

C84 S. 684 applied (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para.60**; S.I. 1993/3137, **art. 3(2)**

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685 Jurisdiction over ships lying off the coasts.

- (1) Where any district within which any court, justice of the peace, or other magistrate, has jurisdiction either under this Act or under any other Act or at common law for any purpose whatever is situate on the coast of any sea, or abutting on or projecting into any bay, channel, lake, river, or other navigable water, every such court, justice, or magistrate shall have jurisdiction over any vessel being on, or lying or passing off, that coast, or being in or near that bay, channel, lake, river, or navigable water, and over all persons on board that vessel or for the time being belonging thereto, in the same manner as if the vessel or persons were within the limits of the original jurisdiction of the court, justice, or magistrate.
- (2) The jurisdiction under this section shall be in addition to and not in derogation of any jurisdiction or power of a court under the Summary Jurisdiction Acts.

686 Jurisdiction in case of offences on board ship.

- (1) Where any person, being a British subject, is charged with having committed any offence on board any British ship on the high seas or in any foreign port or harbour or on board any foreign ship to which he does not belong, or, not being a British subject, is charged with having committed any offence on board any British ship on the high seas, and that person is found within the jurisdiction of any court in Her Majesty's dominions, which would have had cognizance of the offence if it had been committed on board a British ship within the limits of its ordinary jurisdiction, that court shall have jurisdiction to try the offence as if it had been so committed.

^{F405}(2)

Textual Amendments

F405 S. 686(2) repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

Modifications etc. (not altering text)

C85 S. 686 restricted by **Merchant Shipping Act 1970 (c. 36), s. 77(2)**; and s. 686(1) restricted (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para.61**; S.I. 1993/3137, **art. 3(2)**

[687 ^{F406}Offences committed by British seamen.

- (1) Any act in relation to property or person done in or at any place (ashore or afloat) outside the United Kingdom by any master or seaman who at the time is employed in a United Kingdom ship, which, if done in any part of the United Kingdom, would be an offence under the law of any part of the United Kingdom, shall—
 - (a) be an offence under that law, and
 - (b) be treated for the purposes of jurisdiction and trial as if it had been done within the jurisdiction of the Admiralty of England.
- (2) Subsection (1) above also applies in relation to a person who had been so employed within the period of three months expiring with the time when the act was done.
- (3) Subsections (1) and (2) above apply to omissions as they apply to acts.]

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Textual Amendments

F406 S. 687 substituted (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para.62**; S.I. 1993/3137, **art. 3(2)**

[687A ^{F407}Offences by officers of bodies corporate.

- (1) Where a body corporate is guilty of an offence under the Merchant Shipping Acts or any instrument made under those Acts, and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in such a capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.]

Textual Amendments

F407 Ss. 687A, 687B inserted (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para.63**; S.I. 1993/3137, **art. 3(2)**

^{F408}687B Offences by partners, etc in Scotland

Where, in Scotland, a partnership or unincorporated association (other than a partnership) is guilty of an offence under the Merchant Shipping Acts or any instrument made under those Acts, and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner in the partnership or, as the case may be, a person concerned in the management or control of the association, he as well as the partnership or association shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Textual Amendments

F408 Ss. 687A, 687B inserted (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para.63**; S.I. 1993/3137, **art. 3(2)**

Damage occasioned by Foreign Ship

[^{F409}688 Power to arrest foreign ship that has occasioned damage.

- (1) Whenever any injury has in any part of the world been caused to any property belonging to Her Majesty or to any of Her Majesty's subjects by any foreign ship, and at any time thereafter that ship is found in any port or river of the United Kingdom or within three miles of the coast thereof, a judge of any court of record in the United Kingdom (and in Scotland the Court of Session and also the sheriff of the [^{F410}sheriffdom] within whose jurisdiction the ship may be) may, upon its being shown to him by any person applying summarily that the injury was probably caused by the misconduct or want of skill of the master or mariners of the ship, issue an order directed to any [^{F411}officer of customs and excise] or other officer named by the judge, court,

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or sheriff, requiring him to detain the ship until such time as the owner, master, or consignee thereof has made satisfaction in respect of the injury, or has given security, to be approved by the judge, court, or sheriff, to abide the event of any action, suit, or other legal proceeding that may be instituted in respect of the injury, and to pay all costs and damages that may be awarded thereon; and any [^{F411}officer of customs and excise] or other officer to whom the order is directed shall detain the ship accordingly.

- (2) Where it appears that, before an application can be made under this section, the ship in respect of which the application is to be made will have departed from the limits of the United Kingdom or three miles from the coast thereof, the ship may be detained for such time as will allow the application to be made, and the result thereof to be communicated to the officer detaining the ship, and that officer shall not be liable for any costs or damages in respect of the detention unless the same is proved to have been made without reasonable grounds.
- (3) In any legal proceeding in relation to any such injury aforesaid, the person giving security shall be made defendant or defender, and shall be stated to be the owner of the ship that has occasioned the damage; and the production of the order of the judge, court, or sheriff made in relation to the security shall be conclusive evidence of the liability of the defendant or defender to the proceeding.]

Textual Amendments

F409 S. 688 repealed (E.W.)(N.I.) by [Administration of Justice Act 1956 \(c. 46\)](#), s. 7, Sch. 1 Pt. I para. 7, Pt. III, Sch. 2

F410 Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\)](#), [Sch. 1 para. 1](#)

F411 Words substituted by virtue of [Customs and Excise Management Act 1979 \(c. 2\)](#), [Sch. 4 para. 1](#)

Provisions in case of Offences Abroad

689 Conveyance of offenders and witnesses to United Kingdom or British possession.

- (1) Whenever any complaint is made to any British consular officer—
- (a) that any offence against property or person has been committed at any place, either ashore or afloat, out of Her Majesty's dominions by any master, [^{F412}or seaman], who at the time when the offence was committed, or within three months before that time, was employed in any British ship; or
 - (b) that any offence on the high seas has been committed by any master, [^{F412}or seaman] belonging to any British ship,
- that consular officer may inquire into the case upon oath, and may, if the case so requires, take any steps in his power for the purpose of placing the offender under the necessary restraint and of sending him as soon as practicable in safe custody to the United Kingdom, or to any British possession in which there is a court capable of taking cognizance of the offence, in any ship belonging to Her Majesty or to any of Her subjects, to be there proceeded against according to law.
- (2) The consular officer may [^{F413}, where no more convenient means of transport is available (or is available only at disproportionate expense),]order the master of any ship belonging to any subject of Her Majesty bound to the United Kingdom or to such British possession as aforesaid to receive and afford a passage and subsistence during the voyage to any such offender as aforesaid, and to the witnesses, so that the master be not required to receive more than one offender for every one hundred tons of his

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ship's registered tonnage, or more than one witness for every fifty tons of that tonnage; and the consular officer shall endorse upon the agreement of the ship such particulars with respect to any offenders or witnesses sent in her as the Board of Trade require.

- (3) Any master of a ship to whose charge an offender has been so committed shall, on his ship's arrival in the United Kingdom or in such British possession as aforesaid, give the offender into the custody of some police officer or constable^{F413} . . .
- (4) If any master of a ship, when required by any British consular officer to receive and afford a passage and subsistence to any offender or witness, does not receive him and afford a passage and subsistence to him, or does not deliver any offender committed to his charge into the custody of some police officer or constable as herein-before directed, he shall for each offence be liable to a fine not exceeding [^{F414} [^{F415}£1,0]] [^{F414}level 5 on the standard scale].
- (5) The expense of imprisoning any such offender and of conveying him and the witnesses to the United Kingdom or to such British possession as aforesaid in any manner other than in the ship to which they respectively belong, shall, where not paid as part of the costs of the prosecution, be paid out of moneys provided by Parliament.

Textual Amendments

- F412** Words substituted by [Merchant Shipping Act 1970 \(c. 36\), Sch. 3 para. 2](#)
- F413** Words in s. 689(2) inserted (1.5.1994) by [1993 c. 22, s. 8\(3\), Sch. 4 para. 64\(a\)](#); [S.I. 1993/3137, art. 3\(2\)](#)
Words in s. 689(3) repealed (1.5.1994) by [1993 c. 22, s. 8\(3\)\(4\), Sch. 4 para. 64\(b\), Sch. 5 Pt.II](#); [S.I. 1993/3137, art. 3\(2\)](#)
- F414** Words “level 5 on the standard scale” substituted (E.W.S) for “£1000” by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), s. 289G](#)
- F415** Word substituted by virtue of [Merchant Shipping Act 1979 \(c. 39\), s. 43\(1\), Sch. 6 Pt. IV](#)

Modifications etc. (not altering text)

- C86** [S. 689](#) restricted (1.5.1994) by [1993 c. 22, s. 8\(3\), Sch. 4 para. 6\(1\)\(a\)](#); [S.I. 1993/3137, art. 3\(2\)](#)

690^{F416}

Textual Amendments

- F416** [S. 690](#) repealed by [Merchant Shipping Act 1970 \(c. 36\), s. 100, Sch. 5](#)

691 Depositions to be received in evidence when witness cannot be produced.

- (1) Whenever in the course of any legal proceeding instituted in any part of Her Majesty's dominions before any judge or magistrate, or before any person authorised by law or by consent of parties to receive evidence, the testimony of any witness is required in relation to the subject matter of that proceeding, then upon due proof, if the proceeding is instituted in the United Kingdom that the witness cannot be found in that kingdom, or if in any British possession that he cannot be found in that possession, any deposition that the witness may have previously made on oath in relation to the same

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subject matter before any justice or magistrate in Her Majesty's dominions, or any British consular officer elsewhere, shall be admissible in evidence, provided that—

- (a) if the deposition was made in the United Kingdom, it shall not be admissible in any proceeding instituted in the United Kingdom; and
 - (b) if the deposition was made in any British possession, it shall not be admissible in any proceeding instituted in that British possession; and
 - (c) if the proceeding is criminal it shall not be admissible, unless it was made in the presence of the person accused.
- (2) A deposition so made shall be authenticated by the signature of the judge, magistrate, or consular officer before whom it is made; and the judge, magistrate, or consular officer shall certify, if the fact is so, that the accused was present at the taking thereof.
 - (3) It shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition, and in any criminal proceeding a certificate under this section shall, unless the contrary is proved, be sufficient evidence of the accused having been present in manner thereby certified.
 - (4) Nothing herein contained shall affect any case in which depositions taken in any proceeding are rendered admissible in evidence by any Act of Parliament, or by any Act or ordinance of the legislature of any colony, so far as regards that colony, or interfere with the power of any colonial legislature to make those depositions admissible in evidence, or to interfere with the practice of any court in which depositions not authenticated as herein-before mentioned are admissible.

Detention of Ship and Distress on Ship

692 Enforcing detention of ship.

- (1) Where under this Act a ship is to be or may be detained, any commissioned officer on full pay in the naval or military service of Her Majesty, or any officer of the Board of Trade, or any [^{F417}officer of customs and excise], or any British consular officer may detain the ship, and if the ship after detention or after service on the master of any notice of or order for detention proceeds to sea before it is released by competent authority, the master of the ship, and also the owner, and any person who sends the ship to sea, if that owner or person is party or privy to the offence, shall be [^{F418}liable on conviction on indictment to a fine and on summary conviction to a fine not exceeding fifty thousand pounds.].
- (2) Where a ship so proceeding to sea takes to sea when on board thereof in the execution of his duty any officer authorised to detain the ship, or any surveyor or officer of the Board of Trade or any [^{F417}officer of customs and excise], the owner and master of the ship shall each be liable to pay all expenses of and incidental to the officer or surveyor being so taken to sea, and also [^{F419}on conviction on indictment to a fine or on summary conviction to a fine not exceeding one thousand pounds.]
- (3) Where under this Act a ship is to be detained, an [^{F417}officer of customs and excise] shall, and where under this Act a ship may be detained an [^{F417}officer of customs and excise] may, refuse to clear that ship outwards or to grant a transire to that ship.
- (4) Where any provision of this Act provides that a ship may be detained until any document is produced to the proper [^{F417}officer of customs and excise], the proper officer shall mean, unless the context otherwise requires, the officer able to grant a clearance or transire to such ship.

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[^{F420X1}(5) In its application to the Isle of Man, this section shall have effect as if for any reference to an officer of customs there were substituted a reference to an officer of the Isle of Man Harbour Board.]

[^{F421X1}(5) Any reference in this section to proceeding to sea includes a reference to going on a voyage or excursion that does not involve going to sea, and references to sending or taking to sea shall be construed accordingly.]

Editorial Information

X1 S. 692(5) commencing “In its application” inserted at the end of S. 692 by S.I. 1980/399, **Sch. Pt. I para. 9** and another S. 692(5) commencing “Any reference” added by Merchant Shipping Act 1988 (c. 12, SIF 111), s. 57(4), **Sch. 6** (with s. 58(4), Sch. 8 para. 1)

Textual Amendments

F417 Words substituted by virtue of Customs and Excise Management Act 1979 (c. 2), **Sch. 4 para. 1**
F418 Words substituted by Merchant Shipping Act 1979 (c. 39), **Sch. 6 Pt. VII para. 10**
F419 Words substituted by Merchant Shipping Act 1979 (c. 39), **Sch. 6 Pt. VII para. 11**
F420 S. 692(5) inserted by S.I. 1980/399, **Sch. Pt. I para. 9**
F421 S. 692(5) added by Merchant Shipping Act 1988 (c. 12, SIF 111), s. 57(4), **Sch. 6** (with s. 58(4), Sch. 8 para. 1)

Modifications etc. (not altering text)

C87 Power to modify s. 692 conferred by Merchant Shipping Act 1979 (c. 39), **s. 21(6)(a)**
C88 S. 692 extended (with modifications) by S.I. 1983/708, **regs. 2, 6**
C89 S. 692 modified by S.I. 1980/529, **reg. 30**, 1980/538, reg. 54, 1981/572, reg. 81, 1981/573, reg. 9, 1981/583, reg. 8, 1981/1729, reg. 17, 1981/1747, reg. 15, 1982/1699, regs. 3, 12(4), 1983/808, regs. 3, 14, 1983/1398, regs. 2(1)(2), 33(1)(2), 1984/408, regs. 3, 14, 1984/1203, regs. 2(4), 47, 1984/1216, regs. 1(3), 87, 1984/1217, regs. 1(3)(a), 65, 1984/1218, regs. 1(4), 147, 1985/1217, regs. 2, 9, 1985/1218, regs. 1, 76, 1985/1664, regs. 3, 15
C90 S. 692 applied by Aviation and Maritime Security Act 1990 (c.31, SIF 39:2), **s. 35(4)**
C91 S. 692 applied with modifications by S.I. 1989/100, **reg. 14**, 1989/1798, reg. 6
C92 S. 692 applied with modifications (2.4.1991) by S.I. 1991/65, **reg.12**
C93 S. 692 extended (with modifications) (1.2.1992) by S.I. 1992/3, **reg.46**
C94 S. 692 applied (with modifications) (28.7.1992) by S.I. 1992/1564, **reg. 8**
C95 S. 692 modified (31.10.1995) by S.I. 1995/2498, **reg. 18**
C96 S. 692 modified (1.8.1995) by S.I. 1995/1802, **reg. 15**
C97 S. 692 applied (with modifications) by S.I. 1995/157, **reg. 9**
C98 S. 692(1)–(3) applied with modifications by S.I. 1986/144, **reg. 13**, 1986/1066, reg. 29, 1986/1068, reg. 11, 1986/1073, reg. 11, 1987/549, reg. 11, 1987/550, reg. 11, 1987/551, reg. 30, 1988/38, reg. 7, 1988/1547, reg. 12, 1988/1636, reg. 9, 1988/1637, reg. 15, 1988/1638, reg. 12, 1988/1639, reg. 15, 1988/1641, reg. 16, 1988/1716, reg. 11, 1989/102, reg. 10, 1990/660, reg. 8, 1990/2605, reg. 18(1) S. 692(1)–(3) modified by: (15.2.1993) S.I. 1993/69, **reg.47**; (13.5.1993 and 1.4.1994) S.I. 1993/1072, **regs. 1,19**; (1.10.1993) S.I. 1993/1213, **reg.16**
C99 S. 692(1) applied with modifications by Prevention of Oil Pollution Act 1971 (c.60, SIF 111), **s. 19A(2)** (as inserted by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 148(1), **Sch. 14 para. 3**)
C100 S. 692(1)(2) applied with modifications (12.2.1992) by S.I. 1983/1398, **reg. 36(2)** (as inserted by S.I. 1992/98, **reg. 2**)
C101 S. 692(1)–(3) applied (with modifications) (31.10.1992) by S.I. 1992/2359, **reg. 25(1)**
C102 S. 692(1)–(3) modified (19.5.1994) by S.I. 1994/1383, **reg. 8**
C103 S. 692(1)–(3) applied (with modifications) (1.10.1994) by S.I. 1994/2464, **reg. 11**

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Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1894. (See end of Document for details)

- C104** S. 692(2) amended by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 49(1)**
- C105** S. 692(2) applied with modifications by [Prevention of Oil Pollution Act 1971 \(c. 60, SIF 111\)](#), **s. 19A(2)** (as inserted by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), **s. 148(1), Sch. 14 para. 3**)
- C106** S. 692(5) modified by S.I 1988/1636, reg. 9, 1988/1637, reg. 15, 1988/1638, reg. 12, 1988/1639, reg. 15, 1988/1641, reg. 16
S. 692(5) modified (15.2.1993) by [S.I. 1993/69](#), **reg.47**

693 Sums ordered to be paid leviable by distress on ship.

Where any court, justice of the peace, or other magistrate, has power to make an order directing payment to be made of any seaman’s wages, fines, or other sums of money, then, if the party so directed to pay the same is the master or owner of a ship, and the same is not paid at the time and in manner prescribed in the order, the court, justice of the peace, or magistrate who made the order may, in addition to any other powers they may have for the purpose of compelling payment, [^{F422}—

(a) except in Scotland, direct the amount remaining unpaid to be levied by distress,

(b) in Scotland, grant warrant authorising the ^{F423}arrestment and sale, of the ship and its equipment.]

Textual Amendments

F422 Words in s. 693 substituted (1.5.1994) by [1993 c. 22, s. 8\(3\), Sch. 4 para.65](#); [S.I. 1993/3137, art. 3\(2\)](#)

F423 Word “arrestment” substituted (S.) for word “pounding” by [Debtors \(Scotland\) Act 1987 \(c. 18, SIF 45:2\)](#), **s. 108(1), Sch. 6 para. 10** (with [Sch. 7 para. 5](#))

Evidence, Service of Documents, and Declarations

^{F424}694

Textual Amendments

F424 S. 694 repealed (21.3.1994) by [1993 c. 22, s. 8\(4\), Sch. 5 Pts.I, II](#); [S.I. 1993/3137, art. 3\(2\)](#)

695 Admissibility of documents in evidence.

- (1) Where a document is by this Act declared to be admissible in evidence, such document shall, on its production from the proper custody, be admissible in evidence in any court or before any person having by law or consent of parties authority to receive evidence, and, subject to all just exceptions, shall be evidence [^{F425}and in Scotland sufficient evidence] of the matters stated therein in pursuance of this Act or by any officer in pursuance of his duties as such officer.
- (2) A copy of any such document or extract therefrom shall also be so admissible in evidence [^{F425}and be evidence, and in Scotland sufficient evidence, of those matters] if proved to be an examined copy or extract, or if it purports to be signed and certified as a true copy or extract by the officer to whose custody the original document was entrusted, and that officer shall furnish such certified copy or extract to any person

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applying at a reasonable time for the same, upon payment of a reasonable sum for the same . . . ^{F426} but a person shall be entitled to have—

(a) ^{F427}

(b) a certified copy of any declaration, or document, a copy of which is made evidence by this Act,

on the payment . . . ^{F426} for each copy.

(3) If any such officer wilfully certifies any document as being a true copy or extract knowing the same not to be a true copy or extract, he shall for each offence be guilty of a misdemeanor, and be liable on conviction to imprisonment for any term not exceeding [^{F428}two years].

[^{F428}(3A) Without prejudice to section 6(1) of the Civil Evidence (Scotland) Act 1988 (production of copy documents), subsection (2) above shall not apply, for the purposes of civil proceedings in Scotland, as respects the admissibility of a copy document; but subsection (3) above shall apply to a person purporting to authenticate any such document and to authentication as it applies to an officer purporting to certify any such document and to certification.]

[^{F428}(4) Subject to subsection (5) below, in Scotland if any person forges the seal, stamp or signature of any document (or copy document) declared by this Act to be admissible in evidence or tenders in evidence any such document (or copy document) with, and knowing it to have, a false or counterfeit seal, stamp or signature he shall be liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding six months or to both; or

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding seven years or to both.

(5) Subsection (4) above does not apply in respect of actings which constitute an offence under section 722(1) of this Act.]

Textual Amendments

F425 Words inserted by [Merchant Shipping Act 1970 \(c. 36\)](#), **Sch. 3 para. 3**

F426 Words repealed by [Merchant Shipping \(Safety Convention\) Act 1949 \(c. 43\)](#), **Sch. 3**

F427 [S. 695\(2\)\(a\)](#) repealed by [Merchant Shipping Act 1988 \(c. 12, SIF 111\)](#), [s. 57\(5\)](#), **Sch. 7** (with [s. 58\(4\)](#), [Sch. 8 para. 1](#))

F428 [S. 695\(4\)](#) repealed (E.W.N.I.) by [Forgery and Counterfeiting Act 1981 \(c. 45, SIF 39:7\)](#), [s. 30](#), **Sch. Pt. I**; and substituted (1.5.1994) by [1993 c. 22, s. 8\(3\)](#), **Sch. 4 para.72**; [S.I. 1993/3137, art. 3\(2\)](#)

Words in [s. 695\(3\)](#) substituted (1.5.1994) by [1993 c. 22, s. 8\(3\)](#), **Sch. 4 para. 67(b)**; [S.I. 1993/3137, art. 3\(2\)](#)

[S. 695\(3A\)](#) inserted (1.5.1994) by [1993 c. 22, s. 8\(3\)](#), **Sch. 4 para. 67(c)**; [S.I. 1993/3137, art. 3\(2\)](#)

Modifications etc. (not altering text)

C107 Reference to penal servitude to be construed as reference to imprisonment: [Criminal Justice Act 1948 \(c. 58\)](#), **s. 1(2)**[Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), **s. 221(1)** and [Criminal Justice Act \(Northern Ireland\) 1953 \(c. 14\)](#), **s. 1(1)**

[S. 695\(2\)](#) amended (1.5.1994) by [1993 c. 22, s. 8\(3\)](#), **Sch. 4 para. 67(a)**; [S.I. 1993/3137, art. 3\(2\)](#)

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[696 ^{F429} **Service of documents.**

- (1) Any document authorised or required to be served on any person may be served on that person—
 - (a) by delivering it to him;
 - (b) by leaving it at his proper address; or
 - (c) by sending it by post to him at his proper address.
- (2) Any such document authorised or required to be served on the master of a ship may be served—
 - (a) where there is a master, by leaving it for him on board the ship with the person appearing to be in command or charge of the ship;
 - (b) where there is no master—
 - (i) on the managing owner of the ship; or
 - (ii) if there is no managing owner, on any agent of the owner; or
 - (iii) where no such agent is known or can be found, by leaving a copy of the document fixed to the mast of the ship.
- (3) Any document authorised or required to be served on any person may—
 - (a) in the case of a body corporate, be served on the secretary or clerk of that body;
 - (b) in the case of a partnership, be served on a partner or a person having the control or management of the partnership business or, in Scotland, on the firm.
- (4) Any notice authorised or required by, or by regulations under, the Merchant Shipping (Registration, etc.) Act 1993 to be served on the Secretary of State may be served by post.
- (5) Any notice authorised by Part I of the Merchant Shipping Act 1984 to be given to an inspector may be given by delivering it to him or by leaving it at, or sending it by post to, his office.
- (6) Any document authorised or required by or under any enactment to be served on the registered owner of a registered ship shall be treated as duly served on him if served on such person, in such circumstances and by such method, as may be specified in registration regulations.
- (7) For the purposes of this section and of section 7 of the Interpretation Act 1978 (service of documents by post) in its application to this section, the proper address of any person on whom any document is to be served shall be his last known address, except that—
 - (a) in the case of a body corporate or their secretary or clerk it shall be the address of the registered or principal office of that body;
 - (b) in the case of a partnership or a person having the control or management of the partnership business, it shall be the principal office of the partnership;

and for the purposes of this subsection the principal office of a company registered outside the United Kingdom or of a partnership carrying on business outside the United Kingdom shall be their principal office in the United Kingdom.
- (8) If the person to be served with any notice has (whether in pursuance of registration regulations or otherwise) specified an address in the United Kingdom other than his proper address within the meaning of subsection (7) above as the one at which he or someone on his behalf will accept notices of the same description as that notice, that address shall also be treated for the purposes of this section and section 7 of the Interpretation Act 1978 as his proper address.

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- (9) For the purposes of the said section 7 a letter containing—
- (a) a notice to be served on any person in pursuance of subsection (6) above, or
 - (b) a notice authorised or required to be served under registration regulations on a representative person (within the meaning of those regulations),
- shall be deemed to be properly addressed if it is addressed to that person at the address for the time being recorded in relation to him in the register; and a letter containing any other notice under registration regulations shall be deemed to be properly addressed if it is addressed to the last known address of the person to be served (whether of his residence or of a place where he carries on business).]

Textual Amendments

F429 S. 696 substituted (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para.68**; S.I. 1993/3137, **art. 3(2)**

697 Proof, &c. of exemption.

[^{F430}(1)] Any exception, exemption, proviso, excuse, or qualification, in relation to any offence under this Act, whether it does or does not accompany in the same section the description of the offence, may be proved by the defendant, but need not be specified or negated in any information or complaint, and, if so specified or negated, no proof in relation to the matter so specified or negated shall be required on the part of the informant or complainant.

[^{F430}(2) This section does not apply to Scotland.]

Textual Amendments

F430 S. 697 renumbered as s. 697(1) and s. 697(2) added (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para.69**; S.I. 1993/3137, **art. 3(2)**

^{F431}**698**

Textual Amendments

F431 S. 698 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pts.I, II**; S.I. 1993/3137, **art. 3(2)**

Application of Penalties and Costs of Prosecutions

^{F432}**699**

Textual Amendments

F432 S. 699 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

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^{F433}700

Textual Amendments

F433 S. 700 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

701^{F434}

Textual Amendments

F434 S. 701 repealed by Costs in **Criminal Cases Act 1908** (c. 15), **Sch.**

Procedure in Scotland

702 Offences punishable as misdemeanors.

^{F435} . . . In Scotland every offence which by this Act is described as a felony or misdemeanor may be prosecuted by indictment ^{F435} ^{F436} and shall be punishable [^{F437}, subject to any maximum penalty prescribed in respect of any particular offence in this Act,] with a fine ^{F435} . . . or with imprisonment . . . ^{F438}, or with both, as the court may think fit. ^{F435} . . .

Textual Amendments

F435 Words in s. 702 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

F436 Words repealed by virtue of **Merchant Shipping Act 1906** (c. 48), **s. 82(3)**

F437 Words inserted by **Merchant Shipping Act 1979** (c. 39), **Sch. 6 Pt. VII para. 13**

F438 Words omitted by virtue of **Criminal Procedure (Scotland) Act 1975** (c. 21), **s. 221(2)**

Modifications etc. (not altering text)

C108 S. 702 amended by **Merchant Shipping Act 1906** (c. 48), **s. 82(3)**

703 Summary proceedings.

[^{F439}In Scotland—

^{F440}(a) [subject to section 43(2) of the ^{M9}Merchant Shipping Act 1979 (which among other things makes certain offences triable either summarily or on indictment), any offence under this Act which was triable only summarily immediately before 1st January 1980 (the date of commencement of the said section 43) shall continue to be so triable and shall be deemed to have been so triable at all times since that date;

(aa) subject to any special provisions of this Act —

(i) an offence under this Act described as a misdemeanour shall be triable either summarily or on indictment and, subject to any other penalty prescribed in respect of any particular offence, shall be punishable on summary conviction with a fine not exceeding the statutory maximum or imprisonment for a term not exceeding 6 months or both, and on

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conviction on indictment with a fine or imprisonment for a term not exceeding 2 years or both;

- (ii) subject to sub-paragraph (i) above, an offence under this Act made punishable with imprisonment for any term not exceeding 6 months or with a fine or a maximum fine which does not exceed level 5 on the standard scale shall be triable only summarily;
- (iii) an offence under this Act not falling within paragraph (a) above or the preceding provisions of this paragraph shall be triable either summarily or on indictment:

Provided that in relation to the period before the commencement of section 54 of the Criminal Justice Act 1982 sub-paragraph (ii) above shall have effect as if for “level 5 on the standard scale” there were substituted “£1,0”;

- (b) all prosecutions in respect of offences under this Act in respect of which the maximum penalty which may be imposed does not exceed imprisonment for a period of three months or a fine of [^{F441}two hundred pounds][^{F441}level 4 on the standard scale] or both may be tried in a summary manner before the district court.]

Textual Amendments

F439 S. 703 substituted by Merchant Shipping Act 1979 (c. 39), Sch. 6 Pt. VII para. 14

F440 S. 703(a)(aa) substituted by Criminal Justice Act 1982 (c. 48, SIF 39:1), Sch. 15 para. 5, Sch. 17 para. 18

F441 Words “level 4 on the standard scale” substituted (S.) for “two hundred pounds” by Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 56, Sch. 7 para. 1

Marginal Citations

M9 1979 c.39 (111).

^{F442}704

Textual Amendments

F442 S. 704 repealed (1.5.1994) by 1993 c. 22, s. 8(3)(4), Sch. 4 para. 75, Sch. 5 Pt.II; S.I. 1993/3137, art. 3(2)

^{F443}705

Textual Amendments

F443 S. 705 repealed (1.5.1994) by 1993 c. 22, s. 8(3)(4), Sch. 4 para. 75, Sch. 5 Pt.II; S.I. 1993/3137, art. 3(2)

^{F444}706

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Textual Amendments

F444 S. 706 repealed (1.5.1994) by 1993 c. 22, s. 8(3)(4), Sch. 4 para. 75, **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

F445 **707**

Textual Amendments

F445 S. 707 repealed (1.5.1994) by 1993 c. 22, s. 8(3)(4), Sch. 4 para. 75, **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

F446 **708**

Textual Amendments

F446 S. 708 repealed (1.5.1994) by 1993 c. 22, s. 8(3)(4), Sch. 4 para. 75, **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

F447 **709**

Textual Amendments

F447 S. 709 repealed (1.5.1994) by 1993 c. 22, s. 8(3)(4), Sch. 4 para. 75, **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

710 General rules, so far as applicable, to extend to penalties and proceedings in Scotland.

Nothing in this Act shall be held in any way to annul or restrict the common law in Scotland with regard to the prosecution [^{F448}of offences at the instance or on the authority or with the concurrence of the Lord Advocate or on the authority of the High Court or to any punishment consequent on such prosecution], or the rights of owners or creditors in regard to enforcing a judicial sale of any ship and tackle, or to give to the High Court in England any jurisdiction in respect of salvage in Scotland which it has not heretofore had or exercised.

Textual Amendments

F448 Words in s. 710 substituted (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para.76**; S.I. 1993/3137, **art. 3(2)**

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Prosecution of Offences in Colonies

711 Prosecution of offences in British possession.

Any offence under this Act shall, in any British possession, be punishable by any court or magistrate by whom an offence of a like character is ordinarily punishable, or in such other manner as may be determined by any Act or ordinance having the force of law in that possession.

Application of Part XIII

712 Application of Part XII

This Part of this Act shall, except where otherwise provided, apply to the whole of Her Majesty’s dominions.

PART XIV

SUPPLEMENTAL

General Control of Board of Trade

713 Superintendence of merchant shipping by Board of Trade.

The Board of Trade shall be the department to undertake the general superintendence of all matters relating to merchant shipping and seamen, and are authorised to carry into execution the provisions of this Act and of all Acts relating to merchant shipping and seamen for the time being in force, except where otherwise provided by those Acts, or except so far as those Acts relate to the revenue.

714 Returns as to merchant shipping to Board of Trade.

All consular officers and officers of customs abroad, and all . . . ^{F449} superintendents, shall make and send to the Board of Trade such returns or reports on any matter relating to British merchant shipping or seamen as the Board may require.

Textual Amendments

F449 Words repealed by [Merchant Shipping Act 1970 \(c. 36\), s. 100, Sch. 5](#)

715 Production of log books, &c. by superintendents.

All superintendents shall, when required by the Board of Trade, produce to that Board or to its officers all official log books and other documents which are delivered to them under this Act.

^{F450}**716**

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Textual Amendments
F450 S. 716 repealed (1.5.1994) by 1993 c. 22, s. 8(4), Sch. 5 Pt.II; S.I. 1993/3137, art. 3(2)

717 Legal proceedings.

The Board of Trade may take any legal proceedings under this Act in the name of any of their officers.

Expenses of Commissioners of Customs

718 Expenses incurred by Commissioners of Customs.

All expenses incurred by the [^{F451}Commissioners of Customs and Excise] in the conduct of suits or prosecutions, or otherwise in carrying into effect the provisions of this Act, shall be considered as expenses having reference to the Revenues of Customs, and shall be paid accordingly; but the Board of Trade may, with the consent of the Treasury, repay out of the Mercantile Marine Fund all or any part of such of the expenses so paid as are under this Act chargeable on that fund.

Textual Amendments
F451 Words substituted by virtue of Customs and Excise Management Act 1979 (c. 2), Sch. 4 para. 1

Documents and Forms

^{F452}719

Textual Amendments
F452 S. 719 repealed (1.5.1994) by 1993 c. 22, s. 8(4), Sch. 5 Pt.II; S.I. 1993/3137, art. 3(2)

720 Power of Board of Trade to prescribe forms.

- (1) Subject to any special provisions of this Act the Board of Trade may prepare and sanction forms for any book, instrument, or paper required under this Act, other than those required under the First Part of this Act, and may make such alterations in these forms as they think fit.
- (2) The Board shall cause every such form to be sealed with their seal or marked with some other distinguishing mark, and before finally issuing any form or making any alteration in a form shall cause public notice thereof to be given in such manner as the Board think requisite in order to prevent inconvenience.
- (3) The Board of Trade shall cause all such forms to be supplied at all customs houses and mercantile marine offices in the United Kingdom, free of charge, or at such moderate prices as the Board may fix, or the Board may license any person to print and sell the forms.

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- (4) Every such book, instrument, or paper, required under this Act shall be made in the form (if any) approved by the Board of Trade, or as near thereto as circumstances permit, and unless so made shall not be admissible in evidence in any civil proceeding on the part of the owner or master of any ship.
- (5) Every such book, instrument, or paper, if made in a form purporting to be the proper form, and to be sealed or marked in accordance with this section, shall be deemed to be in the form required by this Act unless the contrary is proved.

721 Exemption from stamp duty.

The following instruments shall be exempt from stamp duty:—

- (a) Any instruments used for carrying into effect the First Part of this Act; and
- (b) Any instruments used by or under the direction of the Board of Trade in carrying into effect the [F453 . . .]Fifth, Eleventh, and Twelfth Parts of this Act; and
- (c) Any instruments which are by those Parts of this Act required to be in a form approved by the Board of Trade, if made in that form.

Textual Amendments

F453 Word repealed (1.5.1995) by [Merchant Shipping Act 1970 \(c. 36\)](#), s. 100, [Sch. 5](#); S.I. 1995/965, art. 2, [Sch.](#) appendix

722 Offences as to use of forms.

- [F454] (1) In Scotland, if any person forges any seal or distinguishing mark on any form issued under this Act or fraudulently alters any such form he shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding six months or to both; or
 - (b) on conviction on indictment, to a fine or to imprisonment or to both.]
- (2) If any person— F455
- (a)
 - (b) prints, sells, or uses any document purporting to be a form approved by the Board of Trade, knowing the same not to be the form approved for the time being, or not to have been prepared or issued by the Board of Trade,
- that person shall, for each offence, be liable to a fine not exceeding [F456 [F457 £50]] [F456] level 2 on the standard scale]

Textual Amendments

- F454** S. 722(1) repealed (E.W.N.I.) by [Forgery and Counterfeiting Act 1981 \(c. 45, SIF 39:7\)](#), s. 30, [Sch. Pt. I](#)
S. 722(1) substituted (1.5.1994) by 1993 c. 22, s. 8(3), [Sch. 4 para. 23](#); S.I. 1993/3137, [art. 3\(2\)](#)
- F455** S. 722(2)(a) repealed (1.5.1995) by [Merchant Shipping Act 1970 \(c. 36\)](#), s. 100, [Sch. 5](#); S.I. 1995/965, art. 2, [Sch.](#) appendix
- F456** Words “level 2 on the standard scale” substituted (E.W.S.) for “£50” by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 289G

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F457 Word substituted by virtue of Merchant Shipping Act 1979 (c. 39), s. 43(1), Sch. 6 Pt. I

Powers for enforcing Compliance with Act

723 Powers for seeing that Act is complied with.

(1) Where any of the following officers, namely,—

- any officer of the Board of Trade,
- any commissioned officer of any of Her Majesty’s ships on full pay,
- any British consular officer,
- the Registrar-General of Shipping and Seamen or his assistant,
- any chief officer of Customs in any place in Her Majesty’s dominions, or
- any superintendent,

has reason to suspect that the provisions of this Act, or any law for the time being in force relating to merchant seamen or navigation, is not complied with, that officer may—

- (a) require the owner, master, or any of the crew of any British ship to produce any official log-books or other documents relating to the crew or any member thereof in their respective possession or control;
- (b) require any such master to produce a list of all persons on board his ship, and take copies of the official log-books or documents, or of any part thereof;
- (c) muster the crew of any such ship; and
- (d) summon the master to appear and give any explanation concerning the ship or her crew or the official log-books or documents produced or required to be produced.

(2) If any person, on being duly required by an officer authorised under this section, fails without reasonable cause to produce to that officer any such official log-book or document as he is required to produce under this section, [^{F458}that person shall be liable to a fine not exceeding two hundred pounds and if any person on being so required refuses to allow such a book or document] to be inspected or copied, or impedes any muster of the crew required under this section, or refuses or neglects to give any explanation which he is required under this section to give, or knowingly misleads or deceives any officer authorised under this section to demand any such explanation, that person shall [^{F459}be liable to a fine not exceeding one thousand pounds]

Textual Amendments

F458 Words substituted by Merchant Shipping Act 1979 (c. 39), Sch. 6 Pt. VI para. 11(a)

F459 Words substituted by Merchant Shipping Act 1979 (c. 39), Sch. 6 Pt. VI para. 11(b)

Modifications etc. (not altering text)

C109 S. 723 extended by Sea Fisheries Act 1968 (c. 77), s. 8(6)

S. 723 restricted (1.5.1994) by 1993 c. 22, s. 8(3), Sch. 4 para. 6(1)(a); S.I. 1993/3137, art. 3(2)

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Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1894. (See end of Document for details)

Surveyors of Ships

724 Appointment of surveyors.

- (1) The Board of Trade may, at such ports as they think fit, appoint either generally or for special purposes, and on special occasion, any person they think fit to be a surveyor of ships for the purposes of this Act, and a person so appointed (in this Act referred to as a surveyor of ships) may be appointed either as a [^{F460}ship surveyor] or as an engineer surveyor or as both.
- (2) The Board of Trade may also appoint a surveyor-general of ships for the United Kingdom.
- ^{F461}(3) . . .]may remove any surveyors of ships[^{F461} . . .]
- (4) ^{F462}
- ^{F461}(5)

Textual Amendments
F460 Words substituted by virtue of [Merchant Shipping Act 1906 \(c. 48\), s. 75\(1\)](#)
F461 S. 724(3): by [1993 c. 22, s. 8\(4\), Sch. 5 Pt.II](#) it is provided (1.5.1994) that ss. 724(3) and (5) except, in subsection (3), the words "may remove any surveyors of ships" are repealed; [S.I. 1993/3137, art. 3\(2\)](#)
F462 S. 724(4) repealed by [Merchant Shipping Act 1979 \(c. 39\), Sch. 7 Pt. II](#)

Modifications etc. (not altering text)
C110 S. 724 amended by [Merchant Shipping Act 1906 \(c. 48\), s. 75](#), [Merchant Shipping \(Safety and Load Line Conventions\) Act 1932 \(c. 9\), s. 8](#) and [Merchant Shipping \(Safety Convention\) Act 1949 \(c. 43\), s. 4](#)
s. 724: by [1993 c. 22, s. 8\(3\), Sch. 4 para.78](#) it is provided (1.5.1994) that in s. 724 subsections (3) and (5) shall be omitted save, in (3), for the power of the Secretary of State to remove surveyors; [S.I. 1993/3137, art. 3\(2\)](#)

725 ^{F463}

Textual Amendments
F463 S. 725 repealed by [Merchant Shipping Act 1970 \(c. 36\), s. 100, Sch. 5](#)

726 Returns by surveyors to Board of Trade.

- (1) Surveyors of ships shall make such returns to the Board of Trade as that Board may require with respect to the build, dimensions, draught, burden, rate of sailing, room for fuel, and the nature and particulars of machinery and equipments of ships surveyed by them.
- (2) The owner, master, and engineer of any ship so surveyed shall, on demand, give to the surveyors all such information and assistance within his power as they require for the purpose of those returns.

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- (3) If any owner, master, or engineer, on being applied to for that purpose, fails without reasonable cause to give any such information or assistance, he shall for each offence be liable to a fine not exceeding [^{F464}£200][^{F464}level 3 on the standard scale].

Textual Amendments

F464 Words “level 3 on the standard scale” substituted (E.W.S.) for “£200” by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), s. 289G](#)

F465 Word substituted by virtue of [Merchant Shipping Act 1979 \(c. 39\), s. 43\(1\), Sch. 6 Pt. II](#)

727 Appointment of surveyors in colonies.

The governor of a British possession may appoint and remove surveyors of ships within the limits of the possession for any purposes of this Act to be carried into effect in that possession.

Board of Trade Inspectors

728 Appointment of inspectors to report on accidents, &c.

The Board of Trade may as and when they think fit appoint any person as an inspector to report to them—

- (a) upon the nature and causes of any accident or damage which any ship has sustained or caused, or is alleged to have sustained or caused; or
- [^{F466}(b) whether any requirements, restrictions or prohibitions imposed by or under the Merchant Shipping Acts have been complied with or (as the case may be) contravened; [^{F466}and the reference to requirements, restrictions or prohibitions under the Merchant Shipping Acts includes any such requirements, restrictions or prohibitions constituting the terms of any approval, licence, consent or exemption given in any document issued under those Acts]]
- (c) whether the hull and machinery of any steamship are sufficient and in good condition.

Textual Amendments

F466 [S. 728\(b\)](#) substituted and words in [s. 728\(b\)](#) inserted (1.5.1994) by [1993 c. 22, s. 8\(3\), Sch. 4 para. 56\(b\)\(c\); S.I. 1993/3137, art. 3\(2\)](#)

Modifications etc. (not altering text)

C111 [S. 728](#) extended with modifications by [S.I. 1987/316, reg. 16, Sch. 5](#) and by 1989/1350, art. 2, Sch. 1 (as substituted by [S.I. 1990/2594, art. 3](#))

[S. 728](#) amended and [s. 728\(a\)](#) restored (1.5.1994) by [1993 c. 22, s. 8\(3\), Sch. 4 paras. 17\(a\), 56\(c\), 56\(a\); S.I. 1993/3137, art. 3\(2\)](#)

729,
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F467

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Textual Amendments

F467 Ss. 729, 730 repealed by Merchant Shipping Act 1979 (c. 39), Sch. 7 Pt. II

Exemption from Rates and Harbour Dues

731 Exemption from rates.

All lighthouses, buoys, beacons, and all light dues, and other rates, fees, or payments accruing to or forming part of the [^{F468}General Lighthouse Fund], and all premises or property belonging to or occupied by any of the general lighthouse authorities . . . ^{F469}, which are used or applied for the purposes of any of the services for which those dues, rates, fees, and payments are received, and all instruments or writings used by or under the direction of any of the general lighthouse authorities . . . ^{F469} in carrying on those services, shall be exempted from all public, parochial, and local taxes, duties, and rates of every kind.

Textual Amendments

F468 Words substituted by Merchant Shipping Act 1988 (c. 12, SIF 111), s. 48, Sch. 5, (with s. 58(4), Sch. 8 para. 1)

F469 Words repealed by Merchant Shipping Act 1988 (c. 12, SIF 111), ss. 48, 57(5), Sch. 5 (with s. 58(4), Sch. 8 para. 1)

Modifications etc. (not altering text)

C112 S.731 amended by General Rate Act 1967 (c.9), s. 41; excluded (N.I.) by S.I. 1977/2157 (N.I. 28), art. 37, Sch. 11

732 Exemption from harbour dues.

All vessels belonging to or used by any of the general lighthouse authorities or the Board of Trade shall be entitled to enter, resort to, and use any harbours, ports, docks, or piers in the United Kingdom without payment of any tolls, dues or rates of any kind.

Private Signals

^{F470}733

Textual Amendments

F470 S. 733 repealed (1.5.1994) by 1993 c. 22, s. 8(4), Sch. 5 Pt.II; S.I. 1993/3137, art. 3(2)

Application of Act to Foreign Ships by Order in Council

^{F471}734

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Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1894. (See end of Document for details)

Textual Amendments

F471 S. 734 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt. II**; S.I. 1993/3137, **art. 3(2)**

Powers of Colonial Legislature

735 Power of colonial legislature to alter provisions of Act.

- (1) The legislature of any British possession may by any Act or Ordinance, confirmed by Her Majesty in Council, repeal, wholly or in part, any provisions of this Act (other than those of the Third Part thereof which relate to emigrant ships), relating to ships registered in that possession; but any such Act or Ordinance shall not take effect until the approval of Her Majesty has been proclaimed in the possession, or until such time thereafter as may be fixed by the Act or Ordinance for the purpose.
- (2) Where any Act or Ordinance of the legislature of a British possession has repealed in whole or in part as respects that possession any provision of the Acts repealed by this Act, that Act or Ordinance shall have the same effect in relation to the corresponding provisions of this Act as it had in relation to the provision repealed by this Act.

Modifications etc. (not altering text)

C113 S. 735 restricted by enactments listed in Chronological Table of the Statutes

736 Regulation of coasting trade by clonial legislature.

The legislature of a British possession, may, by any Act or Ordinance, regulate the coasting trade of that British possession, subject in every case to the following conditions:—

- (a) The Act or Ordinance shall contain a suspending clause providing that the Act or Ordinance shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in the British possession in which it has been passed:
- (b) The Act or Ordinance shall treat all British ships (including the ships of any other British possession) in exactly the same manner as ships of the British possession in which it is made:
- (c) Where by treaty made before the passing of the ^{M10}Merchant Shipping (Colonial) Act 1869 (that is to say, before the thirteenth day of May eighteen hundred and sixty-nine), Her Majesty has agreed to grant to any ship of any foreign state any rights or privileges in respect of the coasting trade of any British possession, those rights and privileges shall be enjoyed by those ships for so long as Her Majesty has already agreed or may hereafter agree to grant the same, anything in the Act or Ordinance to the contrary notwithstanding.

Modifications etc. (not altering text)

C114 S. 736 restricted by enactments listed in Chronological Table of the Statutes

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Marginal Citations

M10 1869 c. 11.

Provision for Foreign Places where Her Majesty has Jurisdiction

^{F472}737

Textual Amendments

F472 S. 737 repealed (1.5.1994) by 1993 c. 22, s. 8(4), Sch. 5 Pt.II; S.I. 1993/3137, art. 3(2)

Orders in Council

738 Provision as to Orders in Council.

- (1) Where Her Majesty has power under this Act, or any Act hereafter to be passed amending the same, to make an Order in Council, Her Majesty may from time to time make that Order in Council, and by Order in Council revoke alter or add to any Order so made.
- (2) Every such Order in Council . . . ^{F473} shall be laid before both Houses of Parliament . . .
_{F473}
- (3) ^{F474}

Textual Amendments

F473 Words repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), Sch. 1 Pt. XII

F474 S. 738(3) repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), Sch. 1 Pt. XII

Modifications etc. (not altering text)

C115 S. 738 excluded by Merchant Shipping Act 1979 (c. 39), s. 49(2)

Transmission and Publication of Documents

739 Notices, &c. to be in writing and provision as to sending by post.

- (1) Where by this Act any notice, authority, order, direction, or other communication is required or authorised to be given or made by the Board of Trade, or the [^{F475}Commissioners of Customs and Excise], or the governor of a British possession, to any person not being an officer of such Board, or Commissioners, or governor, the same shall be given or made in writing.
- (2) Where any notice or document is by this Act required or authorised to be transmitted or sent, the same may be transmitted or sent by post.

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Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1894. (See end of Document for details)

Textual Amendments

F475 Words substituted by virtue of [Customs and Excise Management Act 1979 \(c. 2\)](#), [Sch. 4 para. 1](#)

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F476

Textual Amendments

F476 [S. 740](#) repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), s. 1(1), [Sch. 1 Pt. XII](#)

Exemption of Her Majesty's Ships

741 Exemption of Her Majesty's ships.

This Act shall not, except where specially provided, apply to ships belonging to Her Majesty.

Definitions and Provisions as to Application of Act

742 Definitions.

In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them; (that is to say)

[^{F477}“the register” means the register of British ships kept under section 1 of the Merchant Shipping (Registration, etc.) Act 1993;

“registration regulations” means regulations under section 3 of that Act;]

“Vessel” including any ship or boat, or any other description of vessel used in navigation;

“Ship” includes every description of vessel used in navigation not propelled by oars;

“Foreign-going Ship” includes every ship employed in trading or going between some place or places in the United Kingdom, and some place or places situate beyond the following limits; that is to say, the coasts of the United Kingdom, the Channel Islands, and Isle of Man, and the continent of Europe between the River Elbe and Brest inclusive;

“Home trade ship” includes every ship employed in trading or going within the following limits; that is to say, the United Kingdom, the Channel Islands, and Isle of Man, and the continent of Europe between the River Elbe and Brest inclusive;

“Home trade passenger ship” means every home trade ship employed in carrying passengers;

“Master” includes every person (except a pilot) having command or charge of any ship;

“Seaman” includes every person (except [^{F478}masters and pilots] employed or engaged in any capacity on board any ship;

“Wages” includes emoluments;

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“Effects” includes clothes and documents;

“Salvor” means, in the case of salvage services rendered by the officers or crew or part of the crew of any ship belonging to Her Majesty, the person in command of that ship;

“Pilot” means any person not belonging to a ship who has the conduct thereof;

“Court” in relation to any proceeding includes any magistrate or justice having jurisdiction in the matter to which the proceeding relate;

“Colonial Court of Admiralty” has the same meaning as in the ^{M11}Colonial Courts of Admiralty Act 1890;

“A Commissioner for Oaths” means a commissioner for oaths within the meaning of the ^{M12}Commissioners for Oaths Act 1889;

“Chief Officer of Customs” includes the collector, superintendent, principal coast officer, or other chief [^{F479}officer of customs and excise] at each port;

[^{F480}“the Governor in Council” means the Governor of the Isle of Man (including the Lieutenant-Governor, Deputy Governor, Deputy Lieutenant-Governor, and the Acting Governor or Acting Lieutenant-Governor) acting on the advice and with the concurrence of the Executive Council of the Isle of Man;]

“Superintendent” shall, so far as respects a British possession, include any shipping master or other officer discharging in that possession the duties of a superintendent;

“Consular officer” when used in relation to a foreign country, means the officer recognised by Her Majesty as a consular officer of that foreign country;

“Bankruptcy” includes insolvency;

“Representation” means probate, administration confirmation, or other instrument constituting a person the executor, administrator, or other representative of a deceased person;

“Legal personal representative” means the person so constituted executor, administrator, or other representative, of a deceased person;

“Name” includes a surname;

“Port” includes place;

“Harbour” includes harbours properly so called, whether natural or artificial, estuaries, navigable rivers, piers, jetties, and other works in or at which ships can obtain shelter, or ships and unship goods or passengers;

“Tidal water” means any part of the sea and any part of a river within the ebb and flow of the tide at ordinary spring tides, and not being a harbour;

“Harbour authority” includes all persons or bodies of persons, corporate or unincorporate, being proprietors of, or intrusted with the duty or invested with the power of constructing, improving, managing, regulating, maintaining or lighting a harbour;

“Conservancy authority” includes all persons or bodies of persons, corporate or unincorporate, intrusted with the duty or invested with the power of conserving, maintaining, or improving the navigation of a tidal water;

“Lighthouse” shall in addition to the ordinary meaning of the word include any floating and other light exhibited for the guidance of ships, and also any sirens and any other description of fog signals, and also any addition to a lighthouse of any improved light, or any siren, or any description of fog signal;

“Buoys and beacons” includes all other marks and signs of the sea;

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The Trinity House” shall mean the master wardens and assistants of the guild, fraternity, or brotherhood of the most glorious and undivided Trinity and of St. Clement in the parish of Deptford Strond in the county of Kent, commonly called the corporation of the Trinity House of Deptford Strond;

“The Commissioners of Irish Lights” means the body incorporated by that name under the ^{M13}Dublin Port Act 1867 and any Act amending the same;

“Lifeboat service” means the saving, or attempted saving of vessels, or of life, or property on board vessels, wrecked or aground or sunk, or in danger of being wrecked or getting aground or sinking.

Any reference to failure to do any act or thing shall include a reference to refusal to do that act or thing.

Textual Amendments

- F477** Definitions in s. 742 inserted (21.3.1994) by 1993 c. 22, s. 8(1), **Sch. 2**, para. 2(b); S.I. 1993/3137, **art. 3(2)**
- F478** Words substituted by **Merchant Shipping Act 1970 (c. 36), Sch. 3 para. 4**
- F479** Words substituted by virtue of **Customs and Excise Management Act 1979 (c. 2), Sch. 4 para. 1**
- F480** Words inserted by **S.I. 1980/399, Sch. Pt. I para. 10**

Marginal Citations

- M11** 1890 c. 27.
- M12** 1889 c. 10.
- M13** 1867 c. lxxxii.

743 Application of Act to ships propelled by electricity, &c.

Any provisions of this Act applying to steamers or steamships shall apply to ships propelled by electricity or other mechanical power with such modifications as the Board of Trade may prescribe for the purpose of adaptation.

744 **F481**

Textual Amendments

- F481** S. 744 repealed by **Merchant Shipping Act 1988 (c. 12, SIF 111), ss. 48, 57(5), Schs. 5, 7 (with s. 58(4), Sch. 8 para. 1)**

Repeal and Savings

745 Repeal.

- (1) **F482**
 - (a) Any Order in Council, licence, certificate, byelaw, rule, or regulation made or granted under any enactment hereby repealed shall continue in force as if it had been made or granted under this Act;
 - (b) Any officer appointed, any body elected or constituted, and any . . . **F483** office established, under any enactment hereby repealed shall continue and

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be deemed to have been appointed, elected, constituted, or established, as the case may be, under this Act;

- (c) Any document referring to any Act or enactment hereby repealed shall be construed to refer to this Act, or to the corresponding enactment of this Act;
- (d) Any penalty may be recovered, and any offence may be prosecuted, under any provision of the Merchant Shipping Acts, 1854 to 1892, which is not repealed by this Act, in the same manner as fines may be recovered and offences prosecuted under this Act;
- (e) Ships registered under the ^{M14}Merchant Shipping Act 1854, and the Acts amending the same, or duly registered before the passing of the ^{M15}Merchant Shipping Act 1854, shall be deemed to have been registered under this Act;
- (f) Nothing in this Act shall affect the ^{M16}Behring Sea Award Act 1894, and that Act shall have effect as if this Act had not passed.

- (2) The mention of particular matters in this section shall not be held to prejudice or affect the general application of [^{F484}sections 16(1) and 17(2)(a) of the ^{M17}Interpretation Act 1978], with regard to the effect of repeals.

The tonnage of every ship not measured or remeasured in accordance with the ^{M18}Merchant Shipping Tonnage Act 1889, shall be estimated for all purposes as if any deduction prohibited by the Merchant Shipping (Tonnage) Act 1889, had not been made, and the particulars relating to the ship’s tonnage in the registry book and in her certificate of registry shall be corrected accordingly.

Textual Amendments

- F482** Words repealed by [Statute Law Revision Act 1908 \(c. 49\)](#)
- F483** Words repealed by [Merchant Shipping Act 1970 \(c. 36\), s. 100, Sch. 5](#)
- F484** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\), s. 25\(2\)](#)

Marginal Citations

- M14** [1854 c. 120.](#)
- M15** [1854 c. 120.](#)
- M16** [1894 c. 2.](#)
- M17** [1978 c. 30.](#)
- M18** [1889 c. 43.](#)

746 Savings.

- (1) ^{F485}
- (2) Any local Act which repeals or affects any provisions of the Acts repealed by this Act shall have the same effect on the corresponding provisions of this Act as it had on the said provisions repealed by this Act.
- (3) ^{F486}

Textual Amendments

- F485** [S. 746\(1\)](#) repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\), Sch. 1 Pt. XV](#)
- F486** [S. 746\(3\)](#) repealed by [Statute Law Revision Act 1953 \(2 & 3 Eliz. 2 c. 5\)](#)

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Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1894. (See end of Document for details)

Short Title and Commencement

747 Short title.

This Act may be cited as the Merchant Shipping Act 1894.

748 **F487**

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|---|
| <p>.....</p> <p>Textual Amendments</p> <p>F487 S. 748 repealed by Statute Law Revision Act 1908 (c. 49)</p> |
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Changes to legislation:

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