



# Merchant Shipping Act 1894

## 1894 CHAPTER 60

### PART I

#### REGISTRY.

##### *Measurement of Ship and Tonnage.*

#### **77 Rules for ascertaining register tonnage.**

- (1) The tonnage of every ship to be registered, with the exceptions herein-after mentioned, shall, previously to her being registered, be ascertained by Rule I. in the Second Schedule to this Act, and the tonnage of every ship to which that Rule I. can be applied, whether she is about to be registered or not, shall be ascertained by the same rule.
- (2) Ships which, requiring to be measured for any purpose other than registry, have cargo on board, and ships which, requiring to be measured for the purpose of registry, cannot be measured by Rule I., shall be measured by Rule II. in the said schedule, and the owner of any ship measured under Rule II. may at any subsequent period apply to the Board of Trade to have the ship re-measured under Rule I., and the Board may thereupon, upon payment of such fee not exceeding seven shillings and sixpence for each transverse section as they may authorise, direct the ship to be re-measured accordingly, and the number denoting the register tonnage shall be altered accordingly.
- (3) For the purpose of ascertaining the register tonnage of a ship the allowance and deductions herein-after mentioned shall be made from the tonnage of the ship ascertained as aforesaid.
- (4) In the measurement of a ship for the purpose of ascertaining her register tonnage, no deduction shall be allowed in respect of any space which has not been first included in the measurement of her tonnage.
- (5) In ascertaining the tonnage of open ships Rule IV in the said schedule shall be observed.

- (6) Throughout the rules in the Second Schedule to this Act, the tonnage deck shall be taken to be the upper deck in ships which have less than three decks, and to be the second deck from below in all other ships, and in carrying those rules into effect all measurements shall be taken in feet, and fractions of feet shall be expressed in decimals.
- (7) The Board of Trade may make such modifications and alterations as from time to time become necessary in the rules in the Second Schedule to this Act for the purpose of the more accurate and uniform application thereof, and the effectual carrying out of the principle of measurement therein adopted.
- (8) The provisions of this Act relating to tonnage, together with the rules for the time being in force, are in this Act referred to as the tonnage regulations of this Act.

## **78 Allowance for engine-room space in steamships.**

- (1) In the case of any ship propelled by steam or other power requiring engine room, an allowance shall be made for the space occupied by the propelling power, and the amount so allowed shall be deducted from the gross tonnage of the ship ascertained as in the last preceding section mentioned, and the remainder shall (subject to any deductions herein-after mentioned) be deemed to be the register tonnage of the ship, and that deduction shall be estimated as follows; (that is to say,
  - (a) As regards ships propelled by paddle wheels in which the tonnage of the space solely occupied by and necessary for the proper working of the boilers and machinery is above twenty per cent. and under thirty per cent. of the gross tonnage of the ship, the deduction shall be thirty-seven one-hundredths of the gross tonnage; and in ships propelled by screws, in which the tonnage of such space is above thirteen per cent. and under twenty per cent. of the gross tonnage, the deduction shall be thirty-two one-hundredths of the gross tonnage :
  - (b) As regards all other ships, the deduction shall, if the Board of Trade and the owner both agree thereto, be estimated in the same manner; but either they or he may, in their or his discretion, require the space to be measured and the deduction estimated accordingly; and whenever the measurement is so required, the deduction shall consist of the tonnage of the space actually occupied by or required to be enclosed for the proper working of the boilers and machinery, with the addition in the case of ships propelled by paddle wheels of one half, and in the case of ships propelled by screws of three fourths of the tonnage of the space ; and in the case of ships propelled by screws, the contents of the shaft trunk shall be added to and deemed to form part of the space ; and the measurement of the space shall be governed by Rule III. in the Second Schedule to this Act.
- (2) Such portion of the space above the crown of the engine room and above the upper deck as is framed in for the machinery or for the admission of light and air shall not be included in the measurement of the space occupied by the propelling power, except in pursuance of a request in writing to the Board of Trade by the owner of the ship, but shall not be included in pursuance of that request unless—
  - (a) that portion is first included in the measurement of the gross tonnage; and
  - (b) a surveyor of ships certifies that the portion so framed in is reasonable in extent and is so constructed as to be safe and seaworthy, and that it cannot be

used for any purpose other than the machinery or for the admission of light and air to the machinery or boilers of the ship.

- (3) Goods or stores shall not be stowed or carried in any space measured for propelling power, and if the same are so carried in any ship, the master and owner of the ship shall each be liable to a fine not exceeding one hundred pounds.

## **79 Deductions for ascertaining tonnage.**

- (1) In measuring or re-measuring a ship for the purpose of ascertaining her register tonnage, the following deductions shall be made from the space included in the measurement of the tonnage, namely :—
- (a) In the case of any ship—
    - (i) any space used exclusively for the accommodation of the master; and any space occupied by seamen or apprentices and appropriated to their use, which is certified under the regulations scheduled to this Act with regard thereto.
    - (ii) any space used exclusively for the working of the helm, the capstan, and the anchor gear, or for keeping the charts, signals, and other instruments of navigation, and boatswains stores; and
    - (iii) the space occupied by the donkey engine and boiler, if connected with the main pumps of the ship ; and
  - (b) In the case of a ship wholly propelled by sails, any space set apart and used exclusively for the storage of sails:
- (2) The deductions allowed under this section, other than a deduction for a space occupied by seamen or apprentices, and certified as aforesaid, shall be subject to the following provisions, namely:—
- (a) The space deducted must be certified by a surveyor of ships as reasonable in extent and properly and efficiently constructed for the purpose for which it is intended ;
  - (b) There must be permanently marked in or over every such space a notice stating the purpose to which it is to be applied, and that whilst so applied it is to be deducted from the tonnage of the ship;
  - (c) The deduction on account of space for storage of sails must not exceed two and a half per cent. of the tonnage of the ship.

## **80 Provisions as to deductions in case of certain steamships.**

In the case of a screw steamship which, on the twenty-sixth day of August, one thousand eight hundred and eighty-nine, had an engine-room allowance of thirty-two per cent. of the gross tonnage of the ship, and in which any crew space on deck has not been included in the gross tonnage, whether its contents have been deducted therefrom or not, the crew space shall, on the application of the owner of the ship, or by direction of the Board of Trade, be measured and its contents ascertained and added to the register tonnage of the ship ; and if it appears that with that addition to the tonnage the engine room does not occupy more than thirteen per cent. of the tonnage of the ship, the existing allowance for engine room of thirty-two per cent. of the tonnage shall be continued.

**81 Measurement of ships with double bottoms for water ballast.**

In the case of a ship constructed with a double bottom for water ballast, if the space between the inner and outer plating thereof is certified by a surveyor of ships to be not available for the carriage of cargo, stores, or fuel, then the depth required by the provisions of Rule I. relating to the measurement of transverse areas shall be taken to be the upper side of the inner plating of the double bottom, and that upper side shall, for the purposes of measurement, be deemed to represent the floor timber referred to in that Rule.

**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, the same shall thenceforth be deemed to be the tonnage of the ship, and shall be repeated in every subsequent registry thereof, unless any alteration is made in the form or capacity of the ship, or unless it is discovered that the tonnage of the ship has been erroneously computed; and in either of those cases the ship shall be re-measured, and her tonnage determined and registered according to the tonnage regulations of this Act.

**83 Fees for measurement.**

Such fees as the Board of Trade determine shall be paid in respect of the measurement of a ship's tonnage not exceeding those specified in the Third Schedule to this Act, and those fees shall be paid into the Mercantile Marine Fund.

**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 Her Majesty's dominions, 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 British ship is deemed to be the tonnage of that 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 re-measured in accordance with this Act.

**85 Space occupied by deck cargo to be liable to dues.**

- (1) If any ship, British or foreign, other than a home trade ship as defined by this Act, carries as deck cargo, that is to say, in any uncovered space upon deck, or in any covered space not included in the cubical contents forming the ship's registered

tonnage, timber, stores, or other goods, all dues payable on the ship's tonnage shall be payable as if there were added to the ship's registered tonnage the tonnage of the space occupied by those goods at the time at which the dues become payable.

- (2) The space so occupied shall be deemed to be the space limited by the area occupied by the goods and by straight lines enclosing a rectangular space sufficient to include the goods.
- (3) The tonnage of the space shall be ascertained by an officer of the Board of Trade or of Customs in manner directed as to the measurement of poops or other closed-in spaces by Rule I. in the Second Schedule to this Act, and when so ascertained shall be entered by him in the ship's official log-book, and also in a memorandum which he shall deliver to the master, and the master shall, when the said dues are demanded, produce that memorandum in like manner as if it were the certificate of registry, or, in the case of a foreign ship, the document equivalent to a certificate of registry, and in default shall be liable to the same penalty as if he had failed to produce the said certificate or document.
- (4) Nothing in this section shall apply to any ship employed exclusively in trading or going from place to place in any river or inland water of which the whole or part is in any British possession, or to deck cargo carried by a ship while engaged in the coasting trade of any British possession.

#### **86 Surveyors and regulations for measurement of ships.**

All duties in relation to the survey and measurement of ships shall be performed by surveyors of ships under this Act in accordance with regulations made by the Board of Trade.

#### **87 Levy of tonnage rates under Local Acts on the registered tonnage.**

Any persons having power to levy tonnage rates on ships may, if they think fit, with the consent of the Board of Trade, levy those tonnage rates upon the registered tonnage of the ships as determined by the tonnage regulations of this Act, notwithstanding that any local Act under which those rates are levied provides for levying the same upon some different system of tonnage measurement.