



Merchant Shipping Act 1894

1894 CHAPTER 60

PART II

MASTERS AND SEAMEN.

Application of Part II.

260 Application of Part II to ships registered in the United Kingdom.

This Part of this Act shall, unless the context or subject-matter requires a different application, apply to all sea-going ships registered in the United Kingdom, and to the owners, masters, and crews of such ships subject as herein-after provided with respect to—

- (a) ships belonging to any of the three general lighthouse authorities;
- (b) pleasure yachts; and
- (c) fishing boats.

261 Application of Part II to ships registered elsewhere than in the United Kingdom.

This Part of this Act shall, unless the context or subject-matter requires a different application, apply to all sea-going British ships registered out of the United Kingdom, and to the owners, masters, and crews thereof as follows; (that is to say,)

- (a) The provisions relating to the shipping and discharge of seamen in the United Kingdom and to volunteering into the Navy shall apply in every case;
- (b) The provisions relating to lists of the crew and to the property of deceased seamen and apprentices shall apply where the crew are discharged, or the final port of destination of the ship is, in the United Kingdom; and
- (c) All the provisions shall apply where the ships are employed in trading or going between any port in the United Kingdom, and any port not situate in the British possession or country in which the ship is registered; and
- (d) The provisions relating to the rights of seamen in respect of wages, to the shipping and discharge of seamen in ports abroad, to leaving seamen abroad

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and to the relief of seamen in distress in ports abroad, to the provisions, health, and accommodation of seamen, to the power of seamen to make complaints, to the protection of seamen from imposition, and to discipline, shall apply in every case except where the ship is within the jurisdiction of the government of the British possession in which the ship is registered.

262 Partial application of Part II to ships of lighthouse authorities and pleasure yachts.

The following provisions of this Part of this Act shall not apply to ships belonging to the three general lighthouse authorities or to pleasure yachts, or to the owners, masters, and crews thereof, namely, the provisions relating to—

- (a) the requirement of officers to hold certificates of competency, and the production of those certificates;
- (b) the exemption from stamp duty and record of indentures of apprenticeship, and matters to be done for the purpose of such record;
- (c) the entry in the agreement with the crew of the particulars respecting apprentices, and matters to be done for the purpose of such entry;
- (d) the engagement or supply of seamen or apprentices by or through unlicensed persons;
- (e) agreements with the crew (except the provisions relating to the engagement of a seaman abroad) ;
- (f) the compulsory discharge and payment of seamen's wages before a superintendent and the compulsory delivery of an account of wages;
- (g) the accommodation for seamen ;
- (h) the deduction and payment of fines imposed under stipulations in the agreement;
- (i) the delivery of documents at ports abroad to consular or customs officers; or
- (j) official log books.

263 Partial application of Part II to fishing boats.

- (1) This Part of this Act (except the provisions thereof relating to the transmission and delivery of lists of crews, volunteering into the Navy, and the property of deceased seamen) shall not, subject as herein-after provided with respect to Scotland or by the Fourth Part of this Act, apply to fishing boats exclusively employed in fishing on the coasts of the United Kingdom, or to the, owners, skippers, and crews thereof.
- (2) The provisions of this Part of this Act relating to—
 - (a) apprenticeships to the sea service ;
 - (b) compulsory agreements with the crew ;
 - (c) the alteration, falsification, or posting up of copies of agreements with the crew;
 - (d) compensation to seamen improperly discharged ;
 - (e) the delivery of an account of wages;
 - (f) the granting of certificates of discharge and the return of certificates of competency by the master;
 - (g) the decision of questions by the superintendent when referred to him ;
 - (h) the production of the ship's papers by the master to the superintendent in proceedings under this Act before him ; or

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- (i) the sections constituting the offences of desertion, absence without leave, and offences against discipline ;

shall not, subject as in this section mentioned with respect to Scotland, apply to any fishing boats whether or not exclusively employed in fishing on the coasts of the United Kingdom, or to the owners, skippers, and crews thereof.

- (3) So far as respects Scotland all of this Part of this Act (except the provisions thereof declared not to apply to ships belonging to the general lighthouse authorities or to pleasure yachts) shall apply to fishing boats, whether or not exclusively employed in fishing on the coasts of the United Kingdom, and to the owners, skippers, and crews thereof in like manner as it applies to other ships, and the owners, skippers, and crews thereof.

264 Application of Part II to colony by colonial legislatures.

If the legislature of a British possession, by any law, apply or adapt to any British ships registered at, trading with, or being at, any port in that possession, and to the owners, masters, and crews of those ships, any provisions of this Part of this Act which do not otherwise so apply, such law shall have effect throughout Her Majesty's dominions, and in all places where Her Majesty has jurisdiction in the same manner as if it were enacted in this Act.

265 Conflict of laws.

Where in any matter relating to a ship or to a person belonging to a ship there appears to be a conflict of laws, then, if there is in this Part of this Act any provision on the subject which is hereby expressly made to extend to that ship, the case shall be governed by that provision; but if there is no such provision, the case shall be governed by the law of the port at which the ship is registered.

266 Unregistered ship deemed to be registered in United Kingdom for certain purposes.

This Part of this Act shall apply to an unregistered British ship which ought to have been registered under this Act, as if such ship had been registered in the United Kingdom.