



Merchant Shipping Act 1894

1894 CHAPTER 60

PART II

MASTERS AND SEAMEN.

Mercantile Marine Offices.

246 Establishment and control of mercantile marine offices.

- (1) A mercantile marine office, with the requisite buildings, property, superintendents, deputies, clerks, and servants shall be maintained at every port of the United Kingdom where there is a local marine board, and may be established and maintained at such other ports as the Board of Trade determine.
- (2) In every port where there is a local marine board the board shall procure the said buildings and property, and appoint and remove the superintendents, deputies, clerks, and servants, and regulate the business at, and have the control of, the mercantile marine office, subject as follows :—
 - (a) The sanction of the Board of Trade shall be necessary, so far as regards the number of persons to be so appointed, and the amount of their salaries and wages, and all other expenses.
 - (b) The Board of Trade shall have the immediate control of every such office, as far as regards the receipt and payment of money thereat, and every person appointed to be an officer in any such office shall, before entering upon his duties, give such security (if any) for the due performance thereof as the Board of Trade require.
 - (c) If the Board of Trade have reason to believe that any superintendent, deputy, clerk, or servant appointed by a local marine board does not properly discharge his duties, they may cause the case to be investigated, and if they think fit remove him from his office, and provide for the proper performance of his duties until another person is duly appointed in his place.
 - (d) The Board of Trade may appoint any superintendent of or other person connected with any sailors home in the port of London to be a superintendent

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with any necessary deputies clerks and servants, and may appoint an office in any such home to be a mercantile marine office, and all persons and offices so appointed shall be subject to the immediate control of the Board of Trade, and not of the local marine board of the port.

- (3) At any port at which the business of a mercantile marine office is conducted otherwise than under a local marine board, the Board of Trade may—
- (a) at any time establish a mercantile marine office and for that purpose procure the requisite buildings and property, and appoint and remove all the requisite superintendents, deputies, clerks, and servants, or
 - (b) direct with the consent of the Commissioners of Customs, that the whole or any part of the business of a mercantile marine office shall be conducted at the custom house, and thereupon the custom house shall be a mercantile marine office for the purposes of that business, and any officer of customs there appointed in that behalf by the Board of Trade shall be a superintendent or deputy within the meaning of this Act.

247 Business of mercantile marine office.

- (1) It shall be the general business of superintendents of mercantile marine offices (in this Act referred to as superintendents)—
- to afford facilities for engaging seamen by keeping registries of their names and characters :
 - to superintend and facilitate the engagement and discharge of seamen in manner in this Act provided:
 - to provide means for securing the presence on board at the proper times of the seamen who are so engaged :
 - to facilitate the making of apprenticeships to the sea service: and
 - to perform such other duties relating to seamen, apprentices, and merchant ships as are by or in pursuance of this Act, or any Act relating to merchant shipping, committed to them.
- (2) Any act done by to or before a deputy duly appointed shall have the same effect as if done by to or before a superintendent.

248 Embezzlement by officers of local marine boards.

- (1) A person appointed to any office or service by or under a local marine board shall be deemed to be a clerk or servant within the meaning of section sixty-eight of the Larceny Act, 1861 (relating to embezzlement).
- (2) If any person so appointed to an office or service—
- (a) fraudulently applies or disposes of any chattel, money, or valuable security received by him (whilst employed in such office or service) for or on account of any local marine board, or for or on account of any other public board or department, for his own use, or any use or purpose other than that for which the same was paid, entrusted to, or received by him, or
 - (b) fraudulently withholds, retains, or keeps back the same, or any part thereof, contrary to any lawful directions or instructions which he is required to obey in relation to his office or service aforesaid,

that person shall be guilty of embezzlement within the meaning of the said section sixty-eight of the Larceny Act, 1861.

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- (3) In any indictment under this section, it shall be sufficient to charge any such chattel, money, or valuable security as the property either of the local marine board by whom the person was appointed, or of the board or department for or on account of whom the same was received.
- (4) Section seventy-one of the Larceny Act, 1861 (relating to the manner of charging embezzlement), shall apply as if an offence under this section were embezzlement under that Act.

249 Power to dispense with transaction of certain matters at mercantile marine offices.

The Board of Trade may dispense with the transaction in a mercantile marine office, or before a superintendent of any matters required by this Act to be so transacted, and thereupon those matters, if otherwise duly transacted, shall be as valid as if they were transacted in such an office or before a superintendent.

250 Prohibition on taking fees at mercantile marine office.

If a superintendent, deputy, clerk, or servant, in a mercantile marine office demands or receives save as provided by any Act, or authorised by the Board of Trade, any remuneration whatever, either directly or indirectly, for hiring or supplying any seaman for a ship or transacting any business which it is his duty to transact, he shall for every such offence be liable to a fine not exceeding twenty pounds, and also to dismissal from his office by the Board of Trade.