



# Merchant Shipping Act 1894

## 1894 CHAPTER 60

### PART IX

#### WRECK AND SALVAGE.

##### *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.
- (2) If any person wilfully disobeys the direction of the receiver, he shall for each offence be liable to a fine not exceeding fifty pounds; 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.

**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; but a person shall not be liable to pay any duty in respect of any such waggon, cart, or horses, by reason only of the use of the same under this section.

**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
  - (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 one hundred pounds.

**514 Power of receiver to suppress plunder and disorder by force.**

- (1) Whenever a vessel is wrecked, stranded, or in distress as aforesaid, and any person plunders, creates disorder, or obstructs the preservation of the vessel or of the shipwrecked persons or of the cargo or apparel of the vessel, the receiver may cause that person to be apprehended.
- (2) The receiver may use force for the suppression of any such plundering, disorder, or obstruction, and may command all Her Majesty's subjects to assist him in so using force.

- (3) If any person is killed, maimed, or hurt by reason of his resisting the receiver or any person acting under the orders of the receiver in the execution of the duties by this Part of this Act committed to the receiver, neither the receiver nor the person acting under his orders shall be liable to any punishment, or to pay any damages by reason of the person being so killed, maimed, or hurt.

#### **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 and tumultuously 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 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 inhabitants of the county, city, or borough in or nearest to which such offence is committed, in manner provided by the Riot Act, with respect to prosecutions for repairing the damages of any churches and other buildings, or as near thereto as circumstances permit, and

In Ireland in manner provided by the Act of the Session held in the sixteenth and seventeenth year of the reign of Her present Majesty, chapter thirty-eight, intituled ' An Act to " extend the remedies for the compensation of malicious " injuries to property in Ireland " with respect to damage to any dwelling-house or other property therein mentioned.

#### **516 Exercise of powers of receiver in his absence.**

- (1) Where a receiver is not present, the following officers or persons in succession (each in the absence of the other, in the order in which they are named), namely, any chief officer of customs, principal officer of the coastguard, officer of inland revenue, sheriff, justice of the peace, commissioned officer on full pay in the naval service of Her Majesty, or commissioned officer on full pay in the military service of Her Majesty, may do anything by this Part of this Act authorised to be done by the receiver.
- (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, and shall place the same in the custody of the receiver; 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.

#### **517 Examination in respect of ships in distress.**

- (1) Where any ship, British or foreign, is or has been in distress on the coasts of the United Kingdom, a receiver of wreck, or at the request of the Board of Trade a wreck commissioner or deputy approved by the Board, or, in the absence of the persons aforesaid, a justice of the peace, shall, as soon as conveniently may be, examine on oath (and they are hereby respectively empowered to administer the oath) any person

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*Status: This is the original version (as it was originally enacted).*

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belonging to the ship, or any other person who may be able to give any account thereof or of the cargo or stores thereof, as to the following matters ; (that is to say),—

- (a) The name and description of the ship;
  - (b) The name of the master and of the owners;
  - (c) The names of the owners of the cargo;
  - (d) The ports from and to which the ship was bound;
  - (e) The occasion of the distress of the ship;
  - (f) The services rendered; and
  - (g) Such other matters or circumstances relating to the ship, or to the cargo on board the same, as the person holding the examination thinks necessary.
- (2) The person holding the examination shall take the same down in writing, and shall send one copy thereof to the Board of Trade, and another to the secretary of Lloyd's in London, and the secretary shall place it in some conspicuous situation for inspection.
- (3) The person holding the examination shall, for the purposes thereof, have all the powers of a Board of Trade inspector under this Act.

#### *Dealing with Wreck.*

### **518 Provision as to wreck found in the United Kingdom.**

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 of the district 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, as soon as possible deliver the same to the receiver of the district :

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 one hundred pounds, and shall in addition, if he is not the owner, forfeit any claim to salvage, and shall be liable to pay to the owner of the wreck if it is claimed, or, if it is unclaimed to the person entitled to the same, double the value thereof, to be recovered in the same way as a fine of a like amount under this Act.

### **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 one hundred pounds.
- (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.

**520 Notice of wreck to be given by receiver.**

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

- (a) cause to be posted in the custom house nearest to the place where the wreck was found or was seized by him a description thereof and of any marks by which it is distinguished ; and
- (b) if in his opinion the value of the wreck exceeds twenty pounds, also transmit a similar description to the secretary of Lloyd's in London, and the secretary shall post it in some conspicuous position for inspection.

**521 Claim 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 to 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.

**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 five pounds, 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 warehousing,

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.

*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) Where any admiral, vice-admiral, lord of the manor, heritable proprietor duly infeft, or other person is entitled for his own use to unclaimed wreck found on any place

within the district of a receiver, he 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.

## **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 to the Mercantile Marine Fund during the life of Her present Majesty, and after the decease of Her present Majesty to her heirs and successors.

## **526 Disputed title to unclaimed wreck.**

- (1) Where any dispute arises between any such admiral, vice-admiral, lord of a manor, heritable proprietor, or other person as aforesaid and the receiver respecting title to wreck found at any place, or, where more persons than one claim title to that wreck and a dispute arises between them as to that title, that dispute may be referred and determined in the same manner as if it were a dispute as to salvage to be determined summarily under this Part of this Act.
- (2) If any party to the dispute is unwilling to have the same so referred and determined, or is dissatisfied with the decision on that determination, he may within three months after the expiration of a year from the time when the wreck has come into the receiver's hands, or from the date of the decision, as the case may be, take proceedings in any court having jurisdiction in the matter for establishing his title.

**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.

**528 Power to Board of Trade to purchase rights to wreck.**

- (1) The Board of Trade may, with the consent of the Treasury, out of the revenue arising under this Part of this Act, purchase for and on behalf of Her Majesty any rights to wreck possessed by any person other than Her Majesty.
- (2) For the purpose of a purchase under this section, the provisions of the Lands Clauses Acts relating to the purchase of lands by agreement shall be incorporated with this Part of this Act, and in the construction of those Acts for the purposes of this section this Part of this Act shall be deemed to be the special Act, and any such right to wreck as aforesaid shall be deemed to be an interest in land authorised to be taken by the special Act, and Her Majesty shall be deemed to be the promoter of the undertaking.

**529 Admiral not to interfere with wreck.**

No admiral, vice-admiral, or other person, under whatever denomination, exercising Admiralty jurisdiction, shall, as such, by himself or his agents, receive, take, or interfere with any wreck except as authorised by this Act.

*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
- (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.

**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.
- (2) All expenses incurred by the general lighthouse authority under this section, and not reimbursed in manner provided by this Part of this Act, shall be paid out of the Mercantile Marine fund, but shall be subject to the like estimate, account, and sanction as the expenses of a general lighthouse authority, other than establishment expenses.

**532 Powers 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.

**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 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

**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.



*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.

**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 exceeding fifty pounds, 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 fifty pounds, and that fine may be inflicted in addition to any punishment to which he may be liable by law under this Act or otherwise.

**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 five pounds as the receiver may allow.

*Marine Store Dealers.*

**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 twenty pounds.

**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 twenty pounds, and for every subsequent offence not exceeding fifty pounds.

**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 five pounds, and for every subsequent offence not exceeding twenty pounds.

**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 unlay ;
  - (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 twenty pounds, and for every subsequent offence not exceeding fifty pounds.

**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 the place where it is deposited, and the time at which it is intended to be so cut up or unlayed.
- (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 twenty pounds, and for every subsequent offence to a fine not exceeding fifty pounds.

*Marking of Anchors.*

**543 Marking of anchors.**

- (1) Every manufacturer of anchors shall mark on every anchor manufactured by him in legible characters and both on the crown and also on the shank under the stock his name or initials, and shall in addition mark on the anchor a progressive number and the weight of the anchor.
- (2) If a manufacturer of anchors fails without reasonable cause to comply with this section, he shall be liable for each offence to a fine not exceeding five pounds.

*Salvage.*

**544 Salvage payable for saving life.**

- (1) Where services are rendered wholly or in part within British waters in saving life from any British or foreign vessel, or elsewhere in saving life from any British vessel, there shall be payable to the salvor by the owner of the vessel, cargo, or apparel saved, a reasonable amount of salvage, to be determined in case of dispute in manner hereinafter mentioned.
- (2) Salvage in respect of the preservation of life when payable by the owners of the vessel shall be payable in priority to all other claims for salvage.
- (3) Where the vessel, cargo, and apparel are destroyed, or the value thereof is insufficient, after payment of the actual expenses incurred, to pay the amount of salvage payable in

respect of the preservation of life, the Board of Trade may, in their discretion, award to the salvor, out of the Mercantile Marine Fund, such sum as they think fit in whole or part satisfaction of any amount of salvage so left unpaid.

**545 Salvage of life from foreign vessels.**

When it is made to appear to Her Majesty that the government of any foreign country is willing that salvage should be awarded by British courts for services rendered in saving life from ships belonging to that country, when the ship is beyond the limits of British jurisdiction, Her Majesty may, by Order in Council, direct that the provisions of this Part of this Act with reference to salvage of life shall, subject to any conditions and qualifications contained in the Order, apply, and those provisions shall accordingly apply to those services as if they were rendered in saving life from ships within British jurisdiction.

**546 Salvage of cargo or wreck.**

Where any 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, and services are rendered by any person in assisting that vessel or saving the cargo or apparel of that vessel or any part thereof, and where services are rendered by any person other than a receiver in saving any wreck, there shall be payable to the salvor by the owner of the vessel, cargo, apparel, or wreck, a reasonable amount of salvage to be determined in case of dispute in manner herein-after mentioned.

*Procedure in Salvage.*

**547 Determination of salvage disputes.**

- (1) Disputes as to the amount of salvage whether of life or property, and whether rendered within or without the United Kingdom arising between the salvor and the owners of any vessel, cargo, apparel, or wreck, shall, if not settled by agreement, arbitration, or otherwise, be determined summarily in manner provided by this Act, in the following cases; namely,—
  - (a) In any case where the parties to the dispute consent:
  - (b) In any case where the value of the property saved does not exceed one thousand pounds :
  - (c) In any case where the amount claimed does not exceed in Great Britain three hundred pounds, and in Ireland two hundred pounds
- (2) Subject as aforesaid, disputes as to salvage shall be determined by the High Court in England or Ireland, or in Scotland the Court of Session, but if the claimant does not recover in any such court in Great Britain more than three hundred pounds, and in any such court in Ireland more than two hundred pounds, he shall not be entitled to recover any costs, charges, or expenses incurred by him in the prosecution of his claim, unless the court before which the case is tried certify that the case is a fit one to be tried otherwise than summarily in manner provided by this Act.
- (3) Disputes relating to salvage may be determined on the application either of the salvor or of the owner of the property saved, or of their respective agents.

- (4) Where a dispute as to salvage is to be determined summarily under this section it shall be referred and determined as follows:—
- (a) In England it shall be referred to and determined by a county court having Admiralty jurisdiction by virtue of the County Courts Admiralty Jurisdiction Act, 1868, or any Act amending the same:
  - (b) In Scotland it shall be referred to and determined by the sheriff's court:
  - (c) In Ireland it shall be referred to the arbitration of and determined by two justices of the peace, or a stipendiary magistrate, or the recorder of any borough having a recorder, or the chairman of quarter sessions in any county, and any such justices, stipendiary magistrate, recorder, or chairman are hereinafter included in the expression " arbitrators."
- (5) Nothing in this Act relating to the procedure in salvage cases shall affect the jurisdiction or procedure in salvage cases of a county court having Admiralty jurisdiction by virtue of the County Courts Admiralty Jurisdiction Act, 1868, or the Court of Admiralty (Ireland) Act, 1867, or any Act amending either of those Acts.

#### **548 Determination of disputes as to salvage summarily.**

- (1) Disputes as to salvage which are to be determined summarily in manner provided by this Act shall—
- (a) where the dispute relates to the salvage of wreck be referred to a court or arbitrators having jurisdiction at or near the place where the wreck is found :
  - (b) where the dispute relates to salvage in the case of services rendered to any vessel or to the cargo or apparel thereof or in saving life therefrom be referred to a court or arbitrators having jurisdiction at or near the place where the vessel is lying, or at or near the port in the United Kingdom into which the vessel is first brought after the occurrence by reason whereof the claim of salvage arises.
- (2) Any court or arbitrators to whom a dispute as to salvage is referred for summary determination may, for the purpose of determining any such dispute, call in to their assistance any person conversant with maritime affairs as assessor, and there shall be paid as part of the costs of the proceedings to every such assessor in respect of his services such sum not exceeding five pounds as the Board of Trade may direct.

#### **549 Appeal in case of salvage disputes.**

Where a dispute relating to salvage has been determined summarily in manner provided by this Act, any party aggrieved by the decision may appeal therefrom—

- (a) in Great Britain, in like manner as in the case of any other judgment in an Admiralty or maritime cause of the county court or sheriff's court, as the case may be; and
  - (b) in Ireland, to the High Court, but only if the sum in dispute exceeds fifty pounds, and the appellant within ten days after the date of the award gives notice to the arbitrators of his intention to appeal and, within twenty days after the date of the award, takes such proceedings as, according to the practice of the High Court, are necessary for the institution of an appeal.
- (2) In the case of an appeal from arbitrators in Ireland the arbitrators shall transmit to the proper officer of the court of appeal a copy on unstamped paper certified under their hands to be a true copy of the proceedings had before them or their umpire (if any)

and of the award so made by them or him, accompanied with their or his certificate in writing of the gross value of the article respecting which salvage is claimed; and such copy and certificate shall be admitted in the court of appeal as evidence in the case.

**550 As to arbitrators in Ireland.**

- (1) The Lord Lieutenant in Ireland may appoint, out of the justices for any borough or county, a rota of justices, by whom jurisdiction in salvage cases under this Part of this Act shall be exercised.
- (2) Where no such rota is appointed the salvors may, by writing addressed to the justices clerk, name one justice and the owner of the property saved may in like manner name another justice to be-arbitrators; and if either party fails to name a justice within a reasonable time the case may be tried by two or more justices at petty sessions.
- (3) Where a dispute as to salvage is referred to justices under this Act, they may, if a difference of opinion arises between them, or without such difference, if they think fit, appoint some person Conversant with maritime affairs as umpire to decide the point in dispute.
- (4) The arbitrators, within forty-eight hours after any such dispute has been referred to them, and the umpire (if any) within forty-eight hours after his appointment, shall make an award as to the amount of salvage payable, with power nevertheless for such arbitrators or umpire, by writing, duly signed, to extend the time for so making the award.
- (5) There shall be paid to every umpire appointed as aforesaid, in respect of his services, such sum not exceeding five pounds as the Board of Trade may direct.
- (6) All the costs of such arbitration, including any such payment to an umpire as aforesaid, shall be paid by the parties to the dispute, in such manner, and in such shares and proportions, as the arbitrators or umpire may direct by the award.
- (7) The arbitrators or umpire may call for the production of any documents in the possession or power of either party which they or he may think necessary for determining the question in dispute, and may examine the parties and their witnesses on oath, and administer the oaths necessary for that purpose.
- (8) A Secretary of State may determine the scale of costs to be awarded in salvage cases determined by arbitrators under this Part of this Act.

**551 Valuation of property by receiver.**

- (1) Where any dispute as to salvage arises, the receiver of the district where the property is in respect of which the salvage claim is made, 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 proceeding.
- (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.

**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 two hundred pounds, 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 two hundred pounds may be enforced by such court as aforesaid in the same manner as if bail had been given in that court.

**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.

**554 Agreement as to salvage.**

- (1) Where services for which salvage is claimed are rendered either by the commander or crew or part of the crew of any of Her Majesty's ships or of any other ship, and the salvor voluntarily agrees to abandon his lien upon the ship, cargo, and property alleged to be salvaged, then, upon the master entering into a written agreement attested by two witnesses to abide the decision of the High Court in England, or of a Vice-Admiralty Court or Colonial Court of Admiralty, and thereby giving security in that behalf to an amount agreed on by the parties to the agreement, that agreement shall

bind the ship, and the cargo, and freight respectively, and the respective owners of the ship, cargo, and freight, and their respective heirs, executors, and administrators, for the salvage which may be adjudged to be payable in respect of the ship, cargo, and freight respectively to the extent of the security given.

- (2) Any agreement made under this section may be adjudicated on and enforced in the same manner as a bond executed under the provisions of this Part of this Act relating to salvage by Her Majesty's ships, and on any such agreement being made the salvor and the master shall respectively make the statements required by this Part of this Act to be made in the case of the bond, but their statements need not be made on oath.
- (3) The salvor shall transmit the statements made, as soon as practicable to the court in which the agreement is to be adjudicated upon.

**555 Apportionment of salvage under 200l. 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, and does not exceed two hundred pounds, 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.
- (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.
- (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.

**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 two hundred pounds, 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.



*Salvage by Her Majesty's Ships.*

**557 Salvage by Her Majesty's ships.**

- (1) Where salvage services are rendered by any ship belonging to Her Majesty or by the commander or crew thereof, no claim shall be allowed for any loss, damage, or risk caused to the ship or her stores, tackle, or furniture, or for the use of any stores or other articles belonging to Her Majesty, supplied in order to effect those services, or for any other expense or loss sustained by Her Majesty by reason of that service, and 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 adjudicated upon, unless the consent of the Admiralty to the prosecution of that claim is proved.
- (2) Any document purporting to give the consent of the Admiralty for the purpose of this section, and to be signed by the Secretary to the Admiralty 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.

**558 Salvage by Her Majesty's ships abroad.**

- (1) Where services are rendered at any place out of the limits of the United Kingdom or the four seas adjoining thereto by the commander or any of the crew of any of Her Majesty's ships, in saving any vessel or cargo or property belonging to a vessel, the vessel, cargo, or property, alleged to be saved shall, if the salvor is justified by the circumstances of the case in detaining it, be taken to some port where there is a consular officer or a Colonial Court of Admiralty, or a Vice-Admiralty Court.
- (2) The salvor and the master, or other person in charge of the vessel, cargo, or property, saved shall within twenty-four hours after arriving at the port each deliver to the consular officer or judge of the Colonial Court of Admiralty or Vice-Admiralty Court, as the case may be, a statement on oath, specifying so far as possible, and so far as those particulars are applicable, the particulars set out in the first part of the Nineteenth Schedule to this Act, and also in the case of the master or other person his willingness to execute a bond in the form, so far as circumstances will permit, set out in the second part of that schedule.

**559 Provisions as to bond to be executed.**

- (1) The bond shall be in such sum as the consular officer or judge thinks sufficient to answer the demand for salvage service, but the sum fixed shall not exceed one half of the amount which, in the opinion of the consular officer or judge, is the value of the property in respect of which salvage has been rendered.
- (2) Where the vessel, cargo, or property in respect of which salvage services are rendered is not owned by persons domiciled in Her Majesty's dominions, the master shall procure such security for the due performance of the bond as the consular officer or judge thinks sufficient to be lodged with that officer or judge, or with that officer or judge and such other persons jointly as the salvor may appoint.
- (3) The consular officer or judge shall fix the amount of the bond within four days after the receipt of the statements required by this Part of this Act, but if either of those

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*Status: This is the original version (as it was originally enacted).*

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statements is not delivered within the time required by this Part of this Act, he may proceed ex parte.

- (4) A consular officer may for the purposes of this section take affidavits.
- (5) Nothing in this section shall authorise the consular officer or judge to require the cargo of any ship to be unladen.

#### **560 Execution of bond.**

- (1) The consular officer or judge on fixing the sum to be inserted in the bond shall send notice thereof to the salvor and master, and on the execution of the bond by the master in the sum fixed in the presence of the consular officer or judge (who shall attest the same), and upon delivery thereof to the salvor, and in cases where security is to be lodged, on that security being duly lodged, the right of the salvor to detain the vessel, cargo, or property shall cease.
- (2) The bond shall bind the respective owners of the vessel, cargo, and freight, and their heirs, executors, and administrators, for the salvage adjudged to be payable in respect of the vessel, cargo, and freight respectively.

#### **561 Enforcement of bond.**

- (1) The bond shall be adjudicated on and enforced in the High Court in England, unless the salvor and master agree at the time of the execution of the bond that the bond may be adjudicated on and enforced in any specified Colonial Court of Admiralty or Vice-Admiralty Court, but that court shall in that case have the same power and authorities for the purpose as the High Court in England.
- (2) The High Court in England shall have power to enforce any bond given in pursuance of this Part of this Act in any Colonial Court of Admiralty or Vice-Admiralty Court in any part of Her Majesty's dominions, and any court exercising Admiralty jurisdiction in Scotland, Ireland, the Isle of Man, or the Channel Islands shall assist that court in enforcing those bonds.
- (3) Where security has been given for the performance of a bond, the persons with whom the security is lodged shall deal with the same as the court adjudicating upon the bond direct.
- (4) The consular officer or judge shall at the earliest opportunity transmit the statements and documents delivered to him, and the notice of the sum fixed in the bond to the High Court in England or the Colonial Court of Admiralty or Vice-Admiralty Court in which the bond is to be enforced, as the case may be.

#### **562 Saving for other salvage rights.**

- (1) Nothing contained in this Part of this Act shall 'prejudice the right of the salvor, where salvage services have been rendered by one of Her Majesty's ships, or by the commander or any of the crew thereof, to proceed for the enforcement of the salvage claim otherwise than in manner provided by this Act, but the salvor shall have no right to detain the vessel, cargo, or property saved, unless he elects to proceed under this Part of this Act.

- (2) Nothing contained in this Part of this Act shall affect the right of the salvor, where salvage services have been rendered by one of Her Majesty's ships or by the commander or any of the crew thereof, in any case which is not provided for therein.

**563 Exemption from stamp duty.**

Any bond, statement, agreement, or other document made or executed in pursuance of the provisions of this Part of this Act relating to salvage by Her Majesty's ships shall, if made or executed out of the United Kingdom, be exempt from stamp duty.

**564 Punishment for forgery and false representations.**

If any person in any proceeding under the provisions of this Part of this Act relating to salvage by Her Majesty's ships—

- (a) forges, assists in forging, or procures to be forged, fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any document; or
- (b) puts off or makes use of any forged or altered document) knowing the same to be so forged or altered ; or
- (c) gives or makes, or assists in giving or making, or procures to be given or made, any false evidence or representation, knowing the same to be false,

that person shall for each offence be liable to imprisonment, with or without hard labour, for any period not exceeding two years, or, on summary conviction, to imprisonment, with or without hard labour, for any period not exceeding six months.

*Jurisdiction of High Court in Salvage.*

**565 Jurisdiction of High Court in salvage.**

Subject to the provisions of this Act, the High Court, and in Scotland the Court of Session, shall have jurisdiction to decide upon all claims whatsoever relating to salvage, whether the services in respect of which salvage is claimed were performed on the high seas or within the body of any county, or partly on the high seas and partly within the body of any county, and whether the wreck in respect of which salvage is claimed is found on the sea or on the land, or partly on the sea and partly on the land.

*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 any officer of customs or of the coastguard, or any officer of inland revenue, or, where it appears to such Board to be more convenient, any other person, to be a receiver of wreck (in this Part of this Act referred to as a receiver), in any district, and to perform the duties of receiver under this Part of this Act, and shall give due notice of the appointment.

*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 the several matters specified in the Twentieth Schedule to this Act, such fees not exceeding the amounts therein mentioned as may be directed 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.

**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.
- (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 Commissioners of Customs is for the time being regulated.

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

- (1) All wreck, being foreign goods brought or coming into the United Kingdom or Isle of Man, shall be subject to the same duties as if the same was imported into the United Kingdom or Isle of Man respectively, and if any question arises as to the origin of the goods, they shall be deemed to be the produce of such country as the Commissioners of Customs may on investigation determine.
- (2) The Commissioners of Customs and Inland Revenue 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.

*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 county.

**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.