



# Merchant Shipping Act 1894

## 1894 CHAPTER 60

### PART VI

#### SPECIAL SHIPPING INQUIRIES AND COURTS.

##### *Supplemental Provisions as to Investigations and Inquiries.*

#### **476 Investigations before stipendiary magistrate.**

- (1) Where a stipendiary magistrate is in any place a member of the local marine board, a formal investigation at that place into a shipping casualty shall, whenever he happens to be present, be held before that stipendiary magistrate.
- (2) There shall be paid out of the Mercantile Marine Fund to the stipendiary magistrate, if he is not remunerated out of money provided by Parliament under this Act, such remuneration by way of an annual increase of salary, or otherwise, as a Secretary of State, with the consent of the Board of Trade, may direct.

#### **477 Power to appoint wreck commissioners.**

The Lord Chancellor may appoint some fit person or persons to be a wreck commissioner or wreck commissioners for the United Kingdom, so that there shall not be more than three of those commissioners at any one time, and may remove any such wreck commissioner; and in case it becomes necessary to appoint a wreck commissioner in Ireland the Lord Chancellor of Ireland shall have the power to appoint and remove that wreck commissioner.

#### **478 Authority for colonial court to make inquiries into shipping casualties and conduct of officers.**

- (1) The legislature of any British possession may authorise any court or tribunal to make inquiries as to shipwrecks, or other casualties affecting ships, or as to charges of incompetency, or misconduct on the part of masters, mates, or engineers of ships, in the following cases; namely,—

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- (a) Where a shipwreck or casualty occurs to a British ship on or near the coasts of the British possession or to a British ship in the course of a voyage to a port within the British possession :
  - (b) Where a shipwreck or casualty occurs in any part of the world to a British ship registered in the British possession :
  - (c) Where some of the crew of a British ship which has been wrecked or to which a casualty has occurred, and who are competent witnesses to the facts, are found in the British possession :
  - (d) Where the incompetency or misconduct has occurred on board a British ship on or near the coasts of the British possession, or on board a British ship in the course of a voyage to a port within the British possession:
  - (e) Where the incompetency or misconduct has occurred on board a British ship registered in the British possession :
  - (f) When the master, mate, or engineer of a British ship who is charged with incompetency or misconduct on board that British ship is found in the British possession.
- (2) A court or tribunal so authorised shall have the same jurisdiction over the matter in question as if it had occurred within their ordinary jurisdiction, but subject to all provisions, restrictions, and conditions which would have been applicable if it had so occurred.
- (3) An inquiry shall not be held under this section into any matter which has once been the subject of an investigation or inquiry and has been reported on by a competent court or tribunal in any part of Her Majesty's dominions, or in respect of which the certificate of a master, mate, or engineer has been cancelled or suspended by a naval court.
- (4) Where an investigation or inquiry has been commenced in the United Kingdom with reference to any matter, an inquiry with reference to the same matter shall not be held, under this section, in a British possession.
- (5) The court or tribunal holding an inquiry under this section shall have the same powers of cancelling and suspending certificates, and shall exercise those powers in the same manner as a court holding a similar investigation or inquiry in the United Kingdom.
- (6) The Board of Trade may order the re-hearing of any inquiry under this section in like manner as they may order the re-hearing of a similar investigation or inquiry in the United Kingdom, but if an application for re-hearing either is not made or is refused, an appeal shall lie from any order or finding of the court or tribunal holding the inquiry to the High Court in England: Provided that an appeal shall not lie—
- (a) from any order or finding on an inquiry into a casualty affecting a ship registered in a British possession, or
  - (b) from a decision affecting the certificate of a master, mate, or engineer, if that certificate has not been granted either in the United Kingdom or in a British possession, under the authority of this Act.
- (7) The appeal shall be conducted in accordance with such conditions and regulations as may from time to time be prescribed by rules made in relation thereto under the powers contained in this Part of this Act.

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**479 Rules as to investigations and inquiries.**

- (1) The Lord Chancellor may (with the consent of the Treasury so far as relates to fees) make general rules for carrying into effect the enactments relating to formal investigations, and to the re-hearing of, or an appeal from, any investigation or inquiry held under this Part of this Act, and in particular with respect to the appointment and summoning of assessors, the procedure, the parties, the persons allowed to appear, the notice to those parties or persons or to persons affected, the amount and application of fees, and the place in which formal investigations are to be held.
- (2) Any rule made under this section while in force shall have effect as if it were enacted in this Act.
- (3) Any rule made under this section with regard to the re-hearing of, or appeals from, any investigation or inquiries, as to the appointment of assessors, and as to the place in which formal investigations are to be held, shall be laid before both Houses of Parliament as soon as may be after it is made.