



Cinque Ports Act 1821

1821 CHAPTER 76 1 and 2 Geo 4

[1.] Lord warden to appoint Commissioners to determine Differences relative to Salvage. Commissioners to appoint a Secretary or Register, subject to the approbation of the Lord Warden. Proceedings to be entered.

It shall and may be lawful for the lord warden of the cinque ports for the time being to nominate and appoint, by any instrument or instruments under his hand and seal, three or more substantial persons in each of the cinque ports, two ancient towns, and their members, to adjust and determine any difference relative to salvage (which may arise) between the master of any vessel and the person or persons bringing such cables and anchors ashore; and in case any ship or vessel shall be either forced or cut from her cables and anchors by extremity of weather or by any other accident whatever, and leave the same in any roadstead or other place within the jurisdiction of the cinque ports, two ancient towns, and their members, and the salvage cannot be adjusted between the persons concerned, then the same shall be determined by any three or more of the said persons so to be appointed as aforesaid, within the space of twenty-four hours after such difference shall be referred to them for their determination thereof, any usage or custom to the contrary in anywise notwithstanding: Provided always, that such commissioners shall, immediately after their nomination, proceed to elect some fit and proper person,^{F1} . . . as their secretary or register, except to the port of Dover, where the register for the time being of the Court of Admiralty of the cinque ports shall be the register; and which secretary or register shall enter in a book to be kept for that purpose all the proceedings of such commissioners, and also a copy of the awards which they shall from time to time make; but such election of secretaries or registers shall be subject to the approbation of the lord warden for the time being.

Textual Amendments

F1 Words in s. 1 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. XVI Group 1

2 Power to Commissioners to settle all Differences which may arise.

It shall be lawful for the said commissioners to be appointed as aforesaid to decide on all claims and demands whatever which shall or may be made by pilots, hovellers,

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boatmen, and other persons, for services of any sort or description rendered to any ship or vessel, as well for carrying off from the shore to such ship or vessel any anchors, cables, or other stores from any part or port of the coast of Kent, Sussex, Essex, or the isle of Thanet, within the jurisdiction aforesaid, as for the conducting and conveying such ships and vessels from the Downs, and other bays and roadsteads on the coast of Kent, Sussex, and Essex, and the island of Thanet, or from the sea or any other place, to Ramsgate, Dover, or any other harbour, port, or place on the said coasts within the jurisdiction aforesaid, or for the saving and preserving, within the jurisdiction aforesaid, any goods or merchandize wrecked, stranded, or cast away from any ship or vessel, the master or owners thereof or their agents being present at the place where the commissioners shall be sitting; and the said commissioners shall have full power and authority to hear and determine on all cases whatever of services rendered by pilots, boatmen, and others to shipping within the jurisdiction aforesaid, whether such ships or vessels shall be in distress or not; and it shall be lawful for the said commissioners, whenever they see occasion, to examine the parties or their witnesses upon their oaths, which oaths shall and may be administered by the said secretary or register.

3 Commissioners to be paid by the Owners, &c. for their Trouble such Fees as shall be allowed by the Lord Warden. No commissioner shall act out of the place where he is resident. Commissioners to take the following Oath.

It shall be lawful for the commissioners so to be appointed, and their secretary or register as aforesaid, who shall decide on any such claims or demands as aforesaid, to demand and receive of and from the owners of such ships or vessels, or the proprietors of any such goods or merchandizes, against whom any pilot, boatman, or other person shall make any claim or demand for services of any sort rendered to such ships or vessels, or for the sole saving and preserving any goods or merchandizes wrecked, stranded, or castaway within the jurisdiction aforesaid, and such owners and proprietors are hereby required to pay to them, such fee or reward for deciding on every such claim and demand, as shall be adjudged to them in that behalf by the lord warden of the cinque ports for the time being: Provided always, that no person to be appointed a commissioner by virtue of this Act shall have power or authority to act in any other port or place than that in which he is resident, or from which his usual place of residence is not distant more than one mile; and that before such commissioners shall in any case proceed to act, they shall severally take the following oath

^{F2}I A.B. do swear, that I have not, neither will I in any way, directly or indirectly, take or receive any fee, emolument, or reward, from any of the parties whose interests are referred to my decision (save and except such fee or reward as shall be allowed by the lord warden to be paid to me by the ship owners or proprietors of the cargo, or their agents); and that I will not accept or receive any fee whatever from the persons claiming reward or salvage; but that I will decide according to the best of my judgment on the evidence to be brought before me, without favour or affection to either party.

’So help me GOD.’

Textual Amendments

F2 Words in s. 3 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XVI** Group 1

4 Parties dissatisfied may appeal to the High Court of Admiralty, or the Admiralty of the Cinque Ports; but the Ship to be liberated, on giving Bail in Double the

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Amount of the Award. Bail to be taken and certified according to schedule annexed.

In case the party or parties so claiming to be entitled to salvage or compensation for services rendered as aforesaid, or the party or parties who are to pay the same or their agents, shall be dissatisfied with such reward and decision of the commissioners, it shall and may be lawful for either of them respectively, within eight days after such award is made, but not afterwards, to declare to the commissioners his or their desire of obtaining the judgment of some competent court of admiralty respecting the said salvage or compensation as aforesaid; and thereupon such party or parties shall forthwith be required by the commissioners to declare whether he or they will proceed in the court of admiralty of the cinque ports, or the high court of admiralty of England, and he or they shall so proceed within twenty days from the date of such award, by taking out a monition against the adverse party; but in such case the said commissioners are hereby empowered and required to permit the said ship and her cargo, notwithstanding such declaration and proceeding, to depart on her voyage, or to deliver to the owners and proprietors, or their agents, any goods or merchandizes respecting which any claim for salvage shall be made, upon the owners or proprietors of the same or their agents giving good and sufficient bail in double the amount of the sum awarded; and which bail the said commissioners or any of them are and is hereby authorized to take and certify^{F3} . . . , and to transmit the same without delay to the court of admiralty in which the intention of proceeding shall be so declared, together with a true certificate in writing of the gross value of the whole ship and cargo or other goods and merchandizes respecting which salvage shall be claimed, and also an official copy of such proceedings and awards certified by the said secretary or register; and the same shall be admitted by such court of admiralty as evidence in the cause.

Textual Amendments

F3 Words in s. 4 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XVI** Group 1

5 The Appeal to be conclusive

Provided always, that on an appeal so as aforesaid being made to the Court of Admiralty of the cinque ports, or to the High Court of Admiralty, the same shall be taken and held to be final, and no ulterior appeal from sentence of the Court of Admiralty of the cinque ports, or from the High Court of Admiralty, shall lie to the King in Chancery.

Modifications etc. (not altering text)

C1 Functions of High Court of Admiralty now exercisable by High Court: [Supreme Court Act 1981 \(c. 54, SIF 37\), s. 20](#)

[5A ^{F4}Powers of deputy warden.

The deputy warden of the cinque ports may exercise any power conferred by this Act on the lord warden.]

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Textual Amendments
F4 S. 5A inserted (5.11.1993) by 1993 c. 50, s. 1(2), Sch. 2 Pt. II para.10

6—14. F5

Textual Amendments
F5 Ss. 6–14 repealed by Merchant Shipping Repeal Act 1854 (c. 120), Sch.

15 The Lord Warden and his Deputies, Judge, &c. to have the like Power as Justices of the Peace or Commissioners under this Act.

The lord warden of the cinque ports for the time being, and the lieutenant of Dover Castle for the time being, and the deputy wardens of the cinque ports for the time being, F6 . . . and any other officer who shall be specially appointed by the lord warden, and all and every of them, shall and may execute, perform, and do, within the jurisdiction aforesaid, all the acts, matters, and things contained in this Act, in like manner to all intents and purposes as F6 . . . any commissioner or commissioners to be appointed by virtue of this Act is and are authorized to execute, perform, and do the same.

Textual Amendments
F6 Words repealed (5.11.1993) by 1993 (C. 50), s. 1(1) Sch. 1 Pt. XVI Group1

16 F7

Textual Amendments
F7 S. 16 repealed by Criminal Law Act 1967 (c. 58), Sch. 3 Pt. I

17 F8

Textual Amendments
F8 Ss. 17, 19–22 repealed by Merchant Shipping Repeal Act 1854 (c. 120), Sch.

18 Boundaries of Jurisdiction of Lord Warden of the Cinque Ports.

..... F9 The boundaries of the jurisdiction of the lord warden of the cinque ports, in regard to any matter or thing contained in this Act, shall be and shall be deemed and taken to be as follows; (that is to say,) from a point to the westward of Seaford in the county of Sussex, called Red Cliff, including the same; thence passing in a line one mile without the sand or shoal called The Horse

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of Willingdon, and continuing the same distance without the ridge and new shoals; and thence in a line within five miles of Cape Grisnez on the coast of France; thence round the shoal called The Overfalls, two miles distant from the same; thence in a line without, and the same distance along the eastern side of the Galloper Sand, until the north end thereof bears west-north-west true bearing from the west-north-west bearing of the Galloper, it runs in a direct line across the shoal called The Thwart Middle, till it reaches the shore underneath the Maze Tower; from thence following in a line of the shore up to Saint Orsyth, in the county of Essex, and following the course of the shore up to the River Coln to the landing-place nearest Brightlingsea; from thence in a direct line to Shoe Bacon; from thence to the point of Shellness, on the Isle of Shippey; and from thence across the waters to Feversham; and from thence following the line of coast round the North and South Forelands and Beechy Head, till it reaches the said Red Cliff, including all the waters, creeks, and havens comprehended between them: Provided always, and it is hereby declared, that nothing in this Act contained shall extend or be construed to extend to enlarge or abridge the local limits of the ancient jurisdiction, rights, and privileges of the lord high admiral of England, or the lord warden or admiral of the cinque ports respectively, or their respective representatives; but that the same shall remain according to ancient usage, and that the description herein-before contained shall only be deemed applicable to the purposes of this Act; any thing herein contained to the contrary notwithstanding.

Textual Amendments

F9 Recital omitted under authority of [Statute Law Revision \(No. 2\) Act 1890 \(c. 51\)](#)

19— **F10**
22.

Textual Amendments

F10 Ss. 17, 19–22 repealed by [Merchant Shipping Repeal Act 1854 \(c. 120\)](#), [Sch.](#)

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