



Merchant Shipping Act 1950

1950 CHAPTER 9 14 Geo 6

An Act to provide for regulating crew accommodation in fishing boats and for amending the Merchant Shipping Acts 1894 to 1949, with respect to the engagement and discharge of crews, the review of punishments imposed by naval courts, fishing boats engaged in the Newfoundland cod fisheries, and proceedings in summary courts in Northern Ireland; and for purposes connected with the matters aforesaid. [12th July 1950]

Modifications etc. (not altering text)

- C1 Functions of Minister of Transport under this Act now exercisable by Secretary of State by virtue of [S.I. 1965/145](#) art. 2, Sch. 11, 1970/1537, art. 2 and [S.I. 1983/1127](#), [art. 2\(4\)](#)
- C2 Act modified by [Merchant Shipping Act 1988](#) (c. 12, SIF 111), [s. 47\(2\)\(b\)](#), (with s. 58(4), Sch. 8 para. 1) and by [S.I. 1989/1991](#), [art. 10](#)
- C3 Act excluded by [S.I. 1989/1991](#), [arts. 11–14](#)

1, 2.^{F1}

Textual Amendments

- F1 [Ss. 1, 2](#) repealed by [Merchant Shipping Act 1970](#) (c. 36), [Sch. 5](#)

[^{F2}3] Review of punishments imposed by naval courts.

- (1) Where a naval court summoned under Part VI of the principal Act imposes on any person any one or more of the following punishments, that is to say:—
 - (a) sentences him to imprisonment;
 - (b) imposes on him any fine or forfeiture of wages;
 - (c) removes or discharges him from his ship; or
 - (d) in the case of a certificated officer, cancels or suspends his certificate;

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the order of the court, so far as it imposes any such punishment, shall be subject to review by the senior naval or consular officer (hereafter in this section referred to as “the reviewing officer”) present at the place where the court is held: Provided that, if the senior naval or consular officer present at the said place is a member of the naval court, the functions of the reviewing officer under this section shall be exercised in relation to that court by the naval commander-in-chief or the naval officer within whose command the said place is situated.

- (2) The reviewing officer may, in reviewing any such order, confirm or refuse to confirm the order so far as it imposes on any person any such punishment, or vary the order, as respects any such punishment imposed thereby, as follows:—
 - (a) in the case of imprisonment, reduce the term thereof or substitute a fine, forfeiture of wages or removal or discharge from his ship;
 - (b) in the case of a fine or forfeiture of wages, reduce the amount thereof or substitute removal or discharge from his ship;
 - (c) in the case of any other punishment, being a punishment imposed on a certificated officer, substitute any punishment which is lower in the following scale:—
 - cancellation of certificate,
 - suspension of certificate,
 - removal or discharge from his ship; or
 - (d) in the case of suspension of certificate, reduce the period thereof:

Provided that the reviewing officer shall not substitute under this subsection any punishment which the naval court could not have imposed.

- (3) Where any such order imposes two or more such punishments as are referred to in subsection (1) of this section, whether of the same kind or different kinds, the reviewing officer may, in exercising his powers under the last foregoing subsection, deal separately with each such punishment.
- (4) Where any such naval court imposes a sentence of imprisonment and directs the offender to be sent to the United Kingdom or any other place under section sixty-seven of the ^{M1}Merchant Shipping Act 1906, the reviewing officer may revoke that direction.
- (5) The place of imprisonment, whether on land or on board ship, of any person sentenced by any such naval court shall, unless he is sent to the United Kingdom or any other place under the said section sixty-seven, be a place approved in writing by the reviewing officer as a proper place for the purpose.
- (6) Where any order reviewed under this section requires the offender to pay the costs of the proceedings or any part thereof, the reviewing officer may also revoke that requirement or may vary it, but not so as to increase the amount payable by the offender in respect of those costs.
- (7) The reviewing officer shall, on reviewing an order under this section, record his decision in writing, and if he refuses to confirm the order (so far as it imposes any such punishment as aforesaid), the order shall to that extent cease to have effect and if he varies the order, it shall thereafter have effect as if it had been made by the court as so varied.]

(8) F3

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Textual Amendments

F2 S. 3 repealed by [Merchant Shipping Act 1970 \(c. 36\)](#), s. 101(4), [Sch. 5](#); the repeal remains prospective in relation to fishing vessels (1.1.1983) as mentioned in [S.I. 1982/1617](#), art. 2(2), [Sch. 1](#), Appendix to Sch. 1

F3 S. 3(8) repealed by [Statute Law Revision Act 1953 \(2 & 3 Eliz. 2 c. 5\)](#)

Marginal Citations

M1 1906 c. 48.

4 **F4**

Textual Amendments

F4 S. 4 repealed by [Merchant Shipping Act 1988 \(c. 12, SIF 111\)](#), s. 57(5), [Sch. 7](#), (with s. 58(4), Sch. 8 para. 1)

5 **F5**

Textual Amendments

F5 S. 5 repealed by [Northern Ireland Act 1962 \(c. 30\)](#), [Sch. 4 Pt. IV](#)

6 **F6**

Textual Amendments

F6 S. 6 repealed by [Merchant Shipping Act 1970 \(c. 36\)](#), s. 101(4), [Sch. 5](#)

7 Interpretation.

(1) In this Act, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“crew accommodation” includes sleeping rooms, mess rooms, sanitary accommodation, hospital accommodation, recreation accommodation, store rooms and catering accommodation provided for the use of seamen and apprentices;

“fishing boat” has the same meaning as in Part IV of the principal Act, except that it includes a vessel which is being constructed for the purpose of being employed in sea fishing or in the sea-fishing service;

“local authority” means the Common Council of the City of London, the council of a [^{F7}London borough], the council of any county, county borough or county district in England and Wales or Northern Ireland, and, in Scotland, any county, town or district council;

“the Minister” means the Minister of Transport;

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“owner”, in relation to a fishing boat under construction, means the person to whose order she is being constructed;

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“the principal Act” means the ^{M2}Merchant Shipping Act 1894; and any reference in this Act to the re-registration of a fishing boat shall not include a reference to a re-registration which is only required in consequence of a change in the ownership of the boat.

- (2) Except so far as the context otherwise requires, any reference in this Act to any other enactment shall be construed as a reference to that enactment as amended, extended, or applied by or under any other enactment, including this Act.

Textual Amendments

F7 Words substituted by virtue of [London Government Act 1963 \(c. 33\), s. 4\(2\)\(a\)](#)

F8 Definition repealed by [Pilotage Act 1983 \(c. 21, SIF 111\), Sch. 3 para. 2, Sch. 4](#)

Marginal Citations

M2 [1894 c. 60.](#)

8 Short title, construction, citation and commencement.

- (1) This Act may be cited as the Merchant Shipping Act 1950.
- (2) This Act shall be construed as one with the Merchant Shipping Acts 1894 to 1949, and, without prejudice to the generality of this provision, references in those Acts to the Merchant Shipping Acts shall be construed as including references to this Act; and the said Acts and this Act may be cited together as the Merchant Shipping Acts 1894 to 1950.
- (3) This Act shall come into operation on such date as the Minister may by order appoint, and different dates may be appointed for the purpose of different provisions of this Act, and the power of the Minister to make orders under this subsection shall be exercisable by statutory instrument.

Modifications etc. (not altering text)

C4 10.12.1950 appointed under s. 8(3) for all purposes by [S.I. 1950/1845 \(1950 I, p. 1268\)](#)

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F9F9 SCHEDULES 1, 2

Textual Amendments

F9 Schs. 1, 2 repealed by [Merchant Shipping Act 1970 \(c. 36\)](#), [Sch. 5](#)

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F9

Status:

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Changes to legislation:

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