



Merchant Shipping Act 1950

1950 CHAPTER 9

1 Regulations with respect to crew accommodation in fishing boats

- (1) The Minister may, after consultation with such organisation or organisations as appear to him to be representative of owners of British fishing boats and with such organisation or organisations as appear to him to be representative of seamen employed in British fishing boats, make regulations with respect to the crew accommodation to be provided in fishing boats of any class specified in the regulations, being—
- (a) British fishing boats registered in the United Kingdom, whether under Part I or Part IV of the principal Act and whether so registered before or after the date on which the regulations come into force; or
 - (b) boats which at any time after the said date are being constructed for use as fishing boats, and are being so constructed to the order of any person qualified under the principal Act to be the owner of a British ship, and have not been registered in the United Kingdom or elsewhere:

Provided that, subject to the provisions of any Order in Council made under the First Schedule to this Act, such regulations shall not apply to any fishing boat under construction which is being constructed at any place in His Majesty's dominions outside the United Kingdom, in India, in the Republic of Ireland or in any protectorate, protected state, trust territory or mandated territory within the meaning of the British Nationality Act, 1948, or is intended on her first registration to be registered at any such place.

- (2) Without prejudice to the generality of the preceding subsection, regulations made thereunder may, in particular—
- (a) prescribe the minimum space per man which must be provided in any fishing boat to which the regulations apply by way of sleeping accommodation for seamen and apprentices, and the maximum number of persons by whom any specified part of such accommodation may be used;
 - (b) regulate the position in any such fishing boat in which the crew accommodation or any part thereof may be located, and the standards to be observed in the construction, equipment and furnishing of any such accommodation ;

- (c) require the submission to a surveyor of ships of plans and specifications of any works proposed to be carried out for the purpose of the provision or alteration of any such accommodation, and authorise the surveyor to inspect any such works ;
- (d) provide for the maintenance and repair of any such accommodation, and prohibit or restrict the use of any such accommodation for purposes other than those for which it is designed ;

and may make different provision in respect of different classes of fishing boats and in respect of crew accommodation provided for different classes of persons.

- (3) If the provisions of any regulations made under this section are contravened in the case of any fishing boat, the owner or skipper of the fishing boat shall be liable to a fine not exceeding one hundred pounds.
- (4) Regulations made under this section may provide that any store rooms comprised in the crew accommodation of a fishing boat shall, to such extent as may be prescribed under the regulations, be disregarded in estimating the space to be deducted from the tonnage of the fishing boat under section seventy-nine of the principal Act in respect of crew accommodation.
- (5) The provisions of the First Schedule to this Act (being provisions contained in sections two, three, four, nine and eleven of the Merchant Shipping Act, 1948, set out with modifications) shall have effect in relation to fishing boats to which regulations made under this section apply.
- (6) The power of the Minister to make regulations under this section shall be exercisable by statutory instrument, and any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.

2 Engagement and discharge of crews

The amendments specified in the Second Schedule to this Act shall be made in the provisions of Part II of the principal Act therein specified, being amendments made for the purpose of extending to home trade ships having a gross tonnage of two hundred tons or more (not being ships engaged exclusively on the work of any harbour, pilotage or local authority), certain provisions relating to the engagement and discharge of crews of foreign-going ships, and for making certain modifications of those provisions.

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;

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 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) Proviso (i) to paragraph (h) of subsection (1) of section four hundred and eighty-three of the principal Act (which provides for the confirmation of sentences of imprisonment and the approval of the place of imprisonment) shall cease to have effect.

4 Amendment of s. 744 of the Merchant Shipping Act, 1894

A ship shall not "be deemed to be a foreign-going ship for the purposes of the principal Act by reason only that she is engaged in the Newfoundland cod fisheries,

and accordingly section seven hundred and forty-four of that Act shall have effect with the substitution for the words " whale, seal, walrus or Newfoundland cod fisheries " of the words " whale, seal or walrus fisheries " and with the omission of the words " of ships engaged in the Newfoundland cod fisheries which belong to ports in Canada or Newfoundland and ".

5 Removal of doubts as to meaning of Summary Jurisdiction Acts in relation to Northern Ireland

It is hereby declared for the removal of doubts that, in the application of the Merchant Shipping Acts, 1894 to 1949, and this Act to Northern Ireland, the expression " the Summary Jurisdiction Acts " includes any Act of the Parliament of Northern Ireland amending the Petty Sessions (Ireland) Act, 1851.

6 Payment of fees into the Exchequer

Any fees received by the Minister under or by virtue of this Act or regulations made thereunder shall be paid into the Exchequer.

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 metropolitan 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;

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

" pilotage authority " has the same meaning as in the Pilotage Act, 1913 ;

" the principal Act " means the 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.

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.