



# Merchant Shipping Repeal Act 1854

## 1854 CHAPTER 120

### *Preliminary*

#### **1 Short Title of Act.**

This Act may be cited for all Purposes as " The Merchant Shipping Repeal Act, 1854."

#### **2 Interpretation of Terms in this Act.**

In the Construction and for the Purposes of this Act the Interpretation of Terms contained in " The Merchant Shipping Act, 1854," shall be considered as incorporated with and forming Part of this Act.

#### **3 Commencement of Act.**

With the Exception of such Provisions of this Act as are hereinafter expressly stated to be intended to come into operation immediately after the passing, thereof, this Act shall come into operation at the same Time as the Merchant Shipping Act, 1854.

#### **4 Repeal of Acts mentioned in Schedule.**

There shall be hereby repealed—

The several Acts and Parts of Acts set forth in the First Schedule hereto, to the Extent to which such Acts or Parts of Acts are therein expressed to be repealed, and all such Provisions of any other Acts or of any Charters, and all such Laws, Customs, and Rules as are inconsistent with the Provisions of the Merchant Shipping Act, 1854 :

Provided that such Repeal shall not affect—

- (1) Any Provisions contained in the Act of the Seventh Year of His late Majesty King *William* the Fourth, Chapter Seventy-nine, as to Title, Application of Purchase Money, or borrowing Money, and having relation to the Power of purchasing Lighthouses given to the *Trinity House* by the same Act:

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- (2) Any Security duly given before this Act comes into operation :
- (3) Any Thing duly done before this Act comes into operation:
- (4) Any Liability accruing before this Act comes into operation :
- (5) Any Penalty, Forfeiture, or other Punishment incurred or to be incurred in respect of any Offence committed before this Act comes into operation :
- (6) The Institution of any Investigation or legal Proceeding or any other Remedy for ascertaining, enforcing, or recovering any such Liability, Penalty, Forfeiture, or Punishment as aforesaid :
- (7) Any Appointment, Byelaw, Regulation, or Licence duly made or granted under any Enactment hereby repealed, and subsisting at the Time when this Act comes into operation; and the same shall continue in force, but shall be subject to such Provisions of the Merchant Shipping Act, 1854, as are applicable thereto respectively.

## **5 Continuation of Local Marine Boards.**

The Local Marine Boards, the Members of which have been appointed or elected under the Mercantile Marine Act, 1850, shall continue to act until the Fourth Day of *February* One thousand eight hundred and fifty-seven, or until other Boards have been constituted in lieu thereof in pursuance of the Provisions of the Merchant Shipping Act, 1854.

## **6 Construction of Sections 4 and 9 of the Pilotage Law Amendment Act.**

The Fourth and Ninth Sections of " The Pilotage Law Amendment Act, 1853," shall be construed as if the Fifth Part of "The Merchant Shipping Act, 1854," were therein referred to, in lieu of the Act of the Sixth Year of King *George* the Fourth, Chapter One hundred and twenty-five.

## **7 Expenses of Life Boats, &c. may be charged on Mercantile Marine Fund.**

The Board of Trade may, out of the Mercantile Marine Fund, direct Payment to be made of such Expenses for establishing and maintaining on the Coasts of the United Kingdom proper Life Boats, with the necessary Crews and Equipments, and for affording Assistance towards the Preservation of Life and Property in Cases of Shipwreck and Distress at Sea, and for the granting Rewards for the Preservation of Life in such Cases, as it thinks fit; and this Section shall come into operation immediately after the passing of this Act.

## **8 Existing Liabilities on Mercantile Marine Fund continued.**

Nothing in the Merchant Shipping Act, 1854, or in this Act, contained shall operate to prevent the Exercise of the Powers contained in the Twelfth and Sixteenth Sections of the , Merchant Shipping Law Amendment Act, 1853, of paying the Debts, Liabilities, and Expenses therein mentioned out of the Mercantile Marine Fund: And whereas it was arranged that a Sum to be ascertained by the Calculation of Actuaries should before the said last-mentioned Act came into operation be paid by the *Trinity House* out of the Cash Balances then in their Hands for the Purpose of supplying a Deficiency in the Funds of the Cinque Ports Pilots, and of indemnifying the Funds of the *Trinity*

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*House Pilots against any Loss consequent upon the Settlements to be made under the Pilotage Law Amendment Act, 1853: And whereas when the Merchant Shipping Law Amendment Act, 1853, came into operation, the said Calculation was not completed: Be it enacted, That such Payment may, with the Consent of the Board of Trade, be made by the *Trinity House* in the same Manner as Payment of the Debts, Liabilities, and Expenses referred to in the said Twelfth Section of the said last-mentioned Act; and this Section shall come into operation immediately after the passing of this Act.*

**9 Provision as to Wages. &c. received before 1852.**

All Monies arising from any Wages and Effects of deceased Seamen or Apprentices to the Sea Service which were received before the First Day of *January* One thousand eight hundred and fifty-two shall be applied in the same Manner as if the same had been received under the Provisions of " The Merchant Shipping Act, 1854:"

**10 Receiver General to conform to Directions of Board of Trade.**

The Receiver General of Droits of Admiralty shall, as to all Things to be done by him in virtue of his Office, conform to all lawful Directions given for that Purpose by the Board of Trade; and on a Vacancy occurring in his Office no Successor shall be appointed, but thereupon all Powers and Privileges vested in such Receiver General shall be transferred to the Board of Trade ; and this Section shall come into operation immediately after the passing of this Act.

**11 Powers of Board of Trade as to Appointment of Receivers.**

Receivers appointed by the said Receiver General under the Act of the Tenth Year of the Reign of Her present Majesty, Chapter Ninety-nine, shall hold their Offices only during the Pleasure of the Board of Trade ; and the Serjeants of the Admiralty of the Cinque Ports, their Deputies or other Officers, authorized to perform the Duties and to exercise the Powers within the Jurisdiction of the Cinque Ports elsewhere performed and exercised by such Receivers as aforesaid, shall perform and exercise the same only during the Pleasure and subject to the Directions of the Board of Trade; and all such Receivers, Serjeants, Deputies, and other Officers as aforesaid shall possess in the several Districts within which they have hitherto exercised their Duties the same Powers, Rights, and Privileges, and perform the same Duties, as are by the said Merchant Shipping Act, 1854, vested in and committed to the Receivers therein mentioned, save only that they shall not be entitled to take the Command in Cases of Ships or Boats stranded or in distress, unless authorized so to do by the Board of Trade.

**12 Payment of Receivers.**

There shall be payable to such Receivers, Serjeants, Deputies, and other Officers as aforesaid such Tees and other Remuneration as are by the, said Merchant Shipping Act, 1854, made payable to Receivers appointed thereunder, and Payment thereof shall be made by the same Persons and in the same Manner, and shall be capable of being enforced by the same Means, as Payment of the Tees or other Remuneration payable to the Receivers appointed under " The Merchant Shipping Act, 1854," are payable or capable of being enforced, or as near thereto as Circumstances permit; and, save as aforesaid, and saving also any Expenses actually and properly incurred, no such Receiver, Serjeant, Deputy, or other Officer as aforesaid shall be entitled to demand or receive from any Person any Fees or other Sums in respect of any Services performed

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by him as Receiver; and this Section shall come into operation immediately after the passing of this Act,

**13 Application of Fees.**

All Fees or other Remuneration received by any such Receiver, Serjeant, Deputy, or other Officer as aforesaid may be applied by him to his own Use.

**14 Ninth Part of Merchant Shipping Act, 1854, to come into operation immediately.**

The Provisions contained in the Ninth Part of " The Merchant Shipping Act, 1854," shall come into operation at the same Time as if the same were herein repeated, and were hereby expressed to be intended to come into operation immediately after the passing of this Act; and the following Acts, that is to say, the Act of the Seventh Year of King *George* the Second, Chapter Fifteen, the Act of the Twenty-sixth Year of King *George* the Third, Chapter Eighty-six, and the Act of the Fifty-third Year of King *George* the Third, Chapter One hundred and fifty-nine, shall be considered as repealed immediately after the passing of this Act.

**15 Mode of Procedure Criminal Cases.**

All Criminal Proceedings under " The Seamen's Fund Winding-up Act, 1851," "The Pilotage Law Amendment Act, 1853," "The Merchant Shipping Law Amendment Act, 1853," or this Act, shall be carried on in the same Manner as similar Proceedings under " The Merchant Shipping Act, 1854 ;" and all Rules of Law, Practice, and Evidence which are applicable to such last-mentioned Proceedings shall be applicable to Criminal Proceedings under this Act.

**16 Penalty on Masters of Ships leaving certain Seamen in Distress in this Country.**

If a Native of any Country in *Asia*, *Africa*, or of any of the Islands in the *South Sea* or the *Pacific Ocean*, or of any other Country not having any Consul in the United Kingdom, is brought to the United Kingdom in any Ship, *British* or Foreign, as a Seaman, and is left in the United Kingdom, and within Six Months of his being so left becomes chargeable upon the Poor Rate, or commits any Act by reason, of the Committal whereof he is liable to be convicted as an idle and disorderly Person, or any other Act of Vagrancy, the Master or Owner of the said Ship, or in case of a Foreign Ship the Person who is Consignee of the Ship at the Time of the Seaman being so left as aforesaid, shall- incur a Penalty not exceeding Thirty Pounds, unless he can show that the Person so left as aforesaid quitted the Ship without the Consent of the Master, or that due Means have been afforded by such Master, Owner, or Consignee, or One of them, to such Person, of returning to his Native Country, or to the Country in which he was shipped; and the Court inflicting such Penalty may order the whole or any Part of such Penalty to be applied towards the Relief or sending Home of such Person.