

# Merchant Shipping Act 1894

## **CHAPTER 60**

# MERCHANT SHIPPING ACT 1894

## PART I

## REGISTRY

1–3 ..... 39–46 .....

## Procedure for Registration

- 4 Registrars of British ships.
- 5 Register book.
- 6 Survey and measurement of ship.
- 7 Marking of ship.
- 8 Application for registry.
- 9 Declaration of ownership on registry.
- 10 Evidence on first registry.
- 11 Entry of particulars in register.
- 12 Documents to be retained by registrar.
- 13 Port of registry.

## Certificate of Registry

- 14 Certificate of registry.
- 15 Custody of certificate.
- 16 Penalty for use of improper certificate.
- 17 Power to grant new certificate.
- 18 Provision for loss of certificate.
- 19 .....
- 20 Endorsement of change of ownership on certificate.

- 21 Delivery up of certificate of ship lost or ceasing to be British owned.
- 22 Provisional certificate for ship becoming entitled to be registered while abroad.
- 23 Temporary passes in lieu of certificates of registry.

#### Transfers and Transmissions

- 24 Transfer of ships or shares.
- 25 Declaration of transfer.
- 26 Registry of transfer.
- 27 Transmission of property in ship on death, bankruptcy, marriage, &c.
- 28 Order for sale on transmission to unqualified person.
- 29 Transfer of ship or sale by order of court.
- 30 Power of court to prohibit transfer.

#### Mortgages

- 31 Mortgage of ship or share.
- 32 Entry of discharge of mortgage.
- 33 Priority of mortgages.
- 34 Mortgagee not treated as owner.
- 35 Mortgagee to have power of sale.
- 36 Mortgage not affected by bankruptcy.
- 37 Transfer of mortgages.
- 38 Transmission of interest in mortgage by death, bankruptcy, ... &c.

#### Name of Ship

47 Rules as to name of ship.

#### Registry of Alterations, Registry anew, and Transfer of Registry

- 48 Registry of alterations.
- 49 Regulations for registry of alteration.
- 50 Provisional certificate and endorsement where ship is to be registered anew.
- 51 Registry anew on change of ownership.
- 52 Procedure for registry anew.
- 53 Transfer of registry.
- 53A Transfer of registry to overseas territory.
- 53B Transfer of registry from overseas territory.
- 54 .....

#### Incapacitated Persons

55 .....

## Trusts and Equitable Rights

- 56 Notices of trusts not received.
- 57 Equities not excluded by Act.

## Liability of Beneficial Owner

58 Liability of owners.

#### Managing Owner

## 59 Ship's managing owner or manager to be registered.

#### Declarations, Inspection of Register, and Fees.

- 60 Power of registrar to dispense with declarations and other evidence.
- 61 Mode of making declarations.
- 62 Application of fees.

## Returns, Evidence, and Forms

- 63 Returns to be made by registrars.
- 64 Evidence of register book, certificate of registry, and other documents.
- 65 Forms of documents, and instructions as to registry.

## Forgery and false Declarations

- 66 Forgery of documents.
- 67 False declarations.

## National Character and Flag

- 68 National character of ship to be declared before clearance.
- 69 Penalty for unduly assuming British character.
- 70 Penalty for concealing British character of a ship.
- 71 .....72 Liabilities of unregistered ships.
- 73 National colours for ships, and penalty on carrying improper colours.
- 74 Penalty on ship not showing colours.
- 75 Saving for Admiralty.

## Forfeiture of Ship

76 Proceedings on forfeiture of ship.

#### Measurement of Ship and Tonnage

- 77–81 .....
  - 82 Tonnage once ascertained to be the tonnage of ship.
  - 83 Fees for measurement.
  - 84 Tonnage of ships of foreign countries adopting tonnage regulations.
  - 85 .....
  - 86 Surveyors and regulations for measurement of ships.
  - 87 Levy of tonnage rates under local Acts on the registered tonnage.
- 88–90 .....
  - 91 .....

## PART II

#### MASTERS AND SEAMEN

#### *Certificates of Competency*

- 92 Certificates of competency to be held by officers of ships.
- 93 Grades of certificates of competency.
- 94, 95
  - 96 Engineers certificates of competency.

- 97 Fees on examination.
- 98 Grant of certificates on passing examination.
- 99 Certificates of service for naval officers.
- 100 Form and record of certificate.
- 101 Loss of certificate.
- 102 Colonial certificates of competency.
- 103 Production of certificates of competency to superintendent.
- 104 Forgery, &c. of certificate of competency.
- 105–109 .....

## Licences to supply Seamen

- 110 Licence for supply of seamen.
- 111 Penalty for engaging seamen without licence.
- 112 Penalty for receiving remuneration from seamen for engagement.
- 113–125 .....

## Rating of Seamen

126	Rating of seamen.
127–144	
145, 146	
147	
148–153	
154–197	

#### Provisions, Health, and Accommodation

198–208	
209	Certain ships to carry medical practitioners.
210	Accommodation for seamen.
211–250	

#### Registration of and Returns respecting Seamen

251-253	
254	
255	
256	Transmission of documents to registrar by superintendents and other officers.
257–266	

#### PART III

#### PASSENGER AND EMIGRANT SHIPS

#### **1. DEFINITIONS**

## †Definition of Passenger Steamer and Passenger

267 Definition of "passenger" and "passenger steamer."

268–270 .....

#### 2. PASSENGER STEAMERS

#### Survey of Passenger Steamers

- 271 Annual survey of passenger steamers.
- 272 Mode of survey and declaration of survey.
- 273 Transmission of declaration.
- 274 Issue of passenger steamer's certificate.
- 275 Appeal to court of survey.
- 276 Transmission of certificate.
- 277 Fees for certificate.
- 278 Duration of certificates.
- 279 Cancellation of certificate.
- 280 Delivery up of certificate.
- 281 Posting up of certificate.
- 282 Penalty for forgery of certificate or declaration.
- 283 Penalty for carrying passengers in excess.
- 284 Colonial certificates for passenger steamers.

#### General Equipment of Passenger Steamers

- 285 Equipment of passenger steamers with compasses, hose, deck shelters, and safety appliances.
- 286 Prohibition of increasing weight on safety valve.

## Keeping Order in Passenger Steamers

- 287 Offences in connexion with passenger steamers.
- 288 Power to exclude drunken passengers on home trade passenger steamers.

## **3. Emigrant Ships**

289–355 .....

#### Legal Proceedings

- 356 Recovery of fines.
- 357, 358

#### Supplemental

359 Owner responsible for default in absence of agreement.

- 361, 362
  - 363 Exemption from survey of foreign passenger steamer or emigrant ship in certain cases.

## Application of Part III as regards Emigrant Ships

Modification of provisions of Part III in their application to British
possessions.
Powers of governors of colonies as to numbers of steerage passengers.

Status: Point in time view as at 01/01/1996. Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1894. (See end of Document for details)

#### PART IV

369	 
370	 
371	 
372-374	 
375	 
376–384	 
385-386	 
387–389	 
390	 
391–412	 
413–417	 

## PART V

#### SAFETY

#### Prevention of Collisions

418	
419	
420	
421	Saving for local rules of navigation in harbours, &c.
422	Duty of vessel to assist the other in case of collision.
423	·
424	
425, 426	

## Life-saving Appliances

427	Rules	as to	life-savir	ig app	liances.
-----	-------	-------	------------	--------	----------

- 428 Duties of owners and masters as to carrying life-saving appliances.
- 429 Appointment of consultative committee for framing rules.
- 430 Penalty for breach of rules.
- 431 Survey of ship with respect to life-saving appliances.

#### *General Equipment*

- 432 Adjustment of compasses and provision of hose.
- 433 Placing undue weight on safety valve.
- 434 ..... 435 ....

## Draught of Water and Load-Line

- 436 Ship's draught of water to be recorded.
- 437–445 .....

#### Dangerous Goods

- 446 Restrictions on carriage of dangerous goods.
- 447 Penalty for misdescription of dangerous goods.
- 448 Power to deal with goods suspected of being dangerous.
- 449 Forfeiture of dangerous goods improperly sent or carried.
- 450 Saving for other enactments relating to dangerous goods.

451 ..... 452–456 .....

#### Unseaworthy Ships

- 460 Liability for costs and damages.
- 461 Power to require from complainant security for costs .
- 462 Application to foreign ships of provisions as to detention.
- 463 .....

## PART VI

#### SPECIAL SHIPPING INQUIRIES AND COURTS

464–476	
477	
478	Authority for colonial court to make inquiries into shipping casualties

- and conduct of officers.
- 479 .....

#### Naval Courts on the High Seas and Abroad

- 480 Cases in which naval courts may be summoned.
- 481 Constitution of naval courts.
- 482 Functions of naval courts.
- 483 Powers of naval courts.
- 484 Report of proceedings of naval courts.
- 485 Penalty for preventing complaint or obstructing investigation.
- 486 Application of provisions as to naval courts.

#### Courts of Survey

- 487 Constitution of court of survey.
- 488 Power and procedure of court of survey.
- 489 Rules for procedure of court of survey, &c.

#### Scientific Referees

- 490 Reference in difficult cases to scientific persons.
- 491 .....

#### PART VII

#### DELIVERY OF GOODS

## Delivery of Goods and Lien for Freight

- 492 Definitions under Part VII.
- 493 Power of shipowner to enter and land goods on default by owner of goods.
- 494 Lien for freight on landing goods.
- 495 Discharge of lien.
- 496 Provisions as to deposits by owners of goods.

- 497 Sale of goods by warehousemen.
- 498 Application of proceeds of sale.
- 499 Warehouseman's rent and expenses.
- 500 Warehousemen's protection.
- 501 Saving for powers under local Acts.

#### PART VIII

502–509 .....

## PART IX

## WRECK AND SALVAGE

#### Vessels in Distress

- 510 Definition of "wreck" and "salvage."
- 511 Duty of receiver where vessel in distress.
- 512 Powers of the receiver in case of vessels in distress.
- 513 Power to pass over adjoining lands.
- 514 Power of receiver to suppress plunder and disorder by force.
- 515 Liability for damage in case of a vessel plundered.
- 516 Exercise of powers of receiver in his absence.
- 517 Examination in respect of ships in distress.

#### Dealing with Wreck

- 518 Provision as to wreck found in the United Kingdom.
- 519 Penalty for taking wreck at time of casualty.
- 520 Notice of wreck to be given by receiver.
- 521 Claims of owners to wreck.
- 522 Immediate sale of wreck by receiver in certain cases.

#### Unclaimed Wreck

- 523 Right of Crown to unclaimed wreck.
- 524 Notice of unclaimed wreck to be given to persons entitled.
- 525 Disposal of unclaimed wreck.
- 526 Disputed title to unclaimed wreck.
- 527 Delivery of unclaimed wreck by receivers not to prejudice title.
- 528 Power to Board of Trade to purchase rights to wreck.
- 529 Admiral not to interfere with wreck.

#### Removal of Wrecks

- 530 Removal of wreck by harbour or conservancy authority.
- 531 Power of lighthouse authority to remove wreck.
- 532 Power of removal to extend to tackle, cargo, &c.
- 533 Power for Board of Trade to determine certain questions between authorities.
- 534 Powers to be cumulative.

#### Offences in respect of Wreck

- 535 Taking wreck to foreign port.
- 536 Interfering with wrecked vessel or wreck.

537 Summary procedure for concealment of wreck.

#### Marine Store Dealers

- 538 Marine store dealer to have his name and trade painted on his shop.
- 539 Marine store dealer to keep proper books.
- 540 Marine store dealer not to purchase from person under sixteen.
- 541 Marine store dealer not to cut up cable, &c.
- 542 Permit to be advertised before dealer proceeds to act thereon.

#### Marking of Anchors

543 Marking of anchors.

#### Salvage

- 544 Salvage payable for saving life.
- 545 Salvage of life from foreign vessels.
- 546 Salvage of cargo or wreck.

#### Procedure in Salvage

- 547 Determination of salvage disputes.
- 548 Determination of disputes as to salvage summarily.
- 549 Appeal in case of salvage disputes.
- 550 As to arbitrators in Ireland.
- 551 Valuation of property by receiver.
- 552 Detention of property liable for salvage by a receiver.
- 553 Sale of detained property by receiver.
- 554 Agreement as to salvage.
- 555 Apportionment of salvage under 200*l*. by receiver.
- 556 Apportionment of salvage by Admiralty Courts.

#### Salvage by Her Majesty's Ships

- 557 Salvage by Her Majesty's ships.
- 558 Salvage by Her Majesty's ships abroad.
- 559 Provisions as to bond to be executed.
- 560 Execution of bond.
- 561 Enforcement of bond.
- 562 Saving for other salvage rights.
- 563 Exemption from stamp duty.
- 564 Punishment for forgery and false representations.

#### Jurisdiction of High Court in Salvage

565 Jurisdiction of High Court in salvage.

#### Appointment of Receivers of Wreck

566 Appointment of receivers of wreck.

#### Fees of Receivers of Wreck

- 567 Receivers fees .
- 568 Remuneration for services by coastguard.

## Duties on Wreck.

569 Provisions as to duties, &c. on wrecked goods.

#### Supplemental

- 570 Powers of sheriff in Scotland.
- 571 Saving for Cinque ports.

## PART X

572–633 .....

#### PART XI

#### LIGHTHOUSES

#### General Management

- 634 Management of lighthouses, buoys, and beacons.
- 634A Joint discharge of functions by general lighthouse authorities.
  - 635 Returns and information to Board of Trade.
  - 636 Power of Board of Trade to inspect on complaint made.
  - 637 .....

#### Construction of Lighthouses, &c.

- 638 General powers of lighthouse authorities.
- 639 Powers as to land.
- - 642 Additions to lighthouses.

#### Light Dues

- 643 Continuance of light dues.
- 643A Information to determine light dues.
- 644–646 .....
  - 647 Publication of light dues and regulations.
  - 648 Application and collection of light dues.
  - 649 Recovery of light dues.
  - 650 Distress on ship for light dues.
  - 651 Receipt for light dues.

#### Local Lighthouses

- 652 Inspection of local lighthouses.
- 653 Control of local lighthouse authorities by general lighthouse authorities.
- 654 Surrender of local lighthouses.
- 655 Light dues for local light.
- 656 Application of local light dues.
- 657 Reduction of local light dues.

#### Expenses of General Lighthouse Authorities

- 658 Expenses of general lighthouse authorities to be paid out of General Lighthouse Fund.
- 659 Establishments of general lighthouse authorities.

- 660 Estimates or accounts of expenses sent to Board of Trade.
- 661 .....
- 662 Borrowing powers of general lighthouse authorities.
- 662A Limit on borrowing under s. 662.
- 662B Guarantees by Secretary of State.
- 663
- Accounts of general lighthouse authorities.
- 665 .....

#### Offences in connexion with Lighthouses, &c.

- 666 Injury to lighthouses, &c.
- 667 Prevention of false lights.

#### Commissioners of Northern Lighthouses

668 Incorporation of Commissioners of Northern Lights.

#### Provision as to Channel Islands

669	Restriction on exercise of powers in Channel Islands.
670–672	-
673	
674	
675	

## PART XII

#### MERCANTILE MARINE FUND

- 676 Sums payable to the Mercantile Marine Fund.
- 677 Application of Mercantile Marine Fund.
- 678 .....
- 679 Accounts and audit.

## PART XIII

#### LEGAL PROCEEDINGS

#### Prosecution of Offences

- 680 Prosecution of offences.
- 681 Application of Summary Jurisdiction Acts in certain cases.
- 682 .....
- 683 Limitation of time for summary proceedings.

#### Jurisdiction

- 684 Provision as to jurisdiction in case of offences.
- 685 Jurisdiction over ships lying off the coasts.
- 686 Jurisdiction in case of offences on board ship.
- 687 Offences committed by British seamen at foreign ports to be within Admiralty Jurisdiction.
- 687A Offences by officers of bodies corporate.
- 687B Offences by partners, etc in Scotland

## Damage occasioned by Foreign Ship

688 Power to arrest foreign ship that has occasioned damage.

#### Provisions in case of Offences Abroad

- 689 Conveyance of offenders and witnesses to United Kingdom or British possession.
- 690 .....
- 691 Depositions to be received in evidence when witness cannot be produced.

#### Detention of Ship and Distress on Ship

- 692 Enforcing detention of ship.
- 693 Sums ordered to be paid leviable by distress on ship.

#### Evidence, Service of Documents, and Declarations

- 694 Proof of attestation not required.
- 695 Admissibility of documents in evidence.
- 696 Service of documents.
- 697 Proof, &c. of exemption.
- 698 Declarations.

#### Application of Penalties and Costs of Prosecutions

- 699 Application of penalties.
- 700 Expenses of prosecution of misdemeanor.
- 701 .....

## Procedure in Scotland

- 702 Offences punishable as misdemeanors.
- 703 Summary proceedings.
- Form of complaint.
- 705 Warrants on summary proceedings.
- 706 Backing arrestments.
- 707 Form of decree for payment of money.
- 708 Sentence and penalties in default of defender's appearance.
- 709 Orders not to be quashed for want of form and to be final.
- 710 General rules, so far as applicable, to extend to penalties and proceedings in Scotland.

#### Prosecution of Offences in Colonies

711 Prosecution of offences in British possession.

## Application of Part XIII

712 Application of Part XII

## PART XIV

#### SUPPLEMENTAL

## General Control of Board of Trade

- 713 Superintendence of merchant shipping by Board of Trade.
- 714 Returns as to merchant shipping to Board of Trade.
- 715 Production of log books, &c. by superintendents.
- 716 Application of fees, fines, &c.
- 717 Legal proceedings.

## Expenses of Commissioners of Customs

718 Expenses incurred by Commissioners of Customs.

## Documents and Forms

- 719 Proof of documents.
- 720 Power of Board of Trade to prescribe forms.
- 721 Exemption from stamp duty.
- 722 Offences as to use of forms.

## Powers for enforcing Compliance with Act

723 Powers for seeing that Act is complied with.

## Surveyors of Ships

- 724 Appointment of surveyors.
- 725726 Returns by surveyors to Board of Trade.
- 727 Appointment of surveyors in colonies.

## Board of Trade Inspectors

- 728 Appointment of inspectors to report on accidents, &c.
- 729, 730

## Exemption from Rates and Harbour Dues

- 731 Exemption from rates.
- 732 Exemption from harbour dues.

## Private Signals

733 Registration of private code of signals.

## Application of Act to Foreign Ships by Order in Council

734 Application by Order in Council of provisions of Merchant Shipping Acts to foreign ships.

## Powers of Colonial Legislature

- 735 Power of colonial legislature to alter provisions of Act.
- 736 Regulation of coasting trade by clonial legislature.

## Provision for Foreign Places where Her Majesty has Jurisdiction

737 Provision for foreign places where Her Majesty has jurisdiction.

Orders in	Council.
-----------	----------

738	Provision as to Orders in Council.
	Transmission and Publication of Documents
739 740	Notices, &c. to be in writing and provision as to sending by post.
	Exemption of Her Majesty's Ships
741	Exemption of Her Majesty's ships.
	Definitions and Provisions as to Application of Act
742 743 744	Definitions. Application of Act to ships propelled by electricity, &c.
	Repeal and Savings
745 746	Repeal. Savings.
	Short Title and Commencement
747 748	Short title.

## SCHEDULES

FIRST SCHEDULE — Part I

## Part II

Documents of which the forms are to be prescribed by the Commissioners of Customs and sanctioned by the Board of Trade

#### SECOND — SCHEDULE

THIRD SCHEDULE, — FOURTH SCHEDULE

FIFTH SCHEDULE —

Furnishing of Anti-Scorbutics

The anti-scorbutics to be furnished shall be lime or lemon...

#### Serving out of Anti-Scorbutics

The lime or lemon juice shall be served out with...

SIXTH SCHEDULE —

Every place in a ship occupied by seamen or apprentices,...

Maximum Fees for Inspection

. . . . . . . . . . ....

SEVENTH — SCHEDULE, EIGHTH SCHEDULE

NINTH SCHEDULE —

TENTH- — FOURTEENTH SCHEDULES

> FIFTEENTH — SCHEDULE

SIXTEENTH — SCHEDULE

SEVENTEENTH — SCHEDULE

Constitution of the Committee

Three shipowners selected by the Council of the Chamber of...

EIGHTEENTH —

ULE.....

NINETEENTH — SCHEDULE

Part I. — STATEMENTS IN THE CASE OF SALVAGE BY HER MAJESTY'S SHIPS

Particulars to be stated both by the salvor and by... Part II — SALVAGE BOND

[N.B.-Any of the Particulars not known, or not required, by reason of the Claim being only against the Cargo, &c., may be omitted.]

# Status:

Point in time view as at 01/01/1996.

## Changes to legislation:

There are currently no known outstanding effects for the Merchant Shipping Act 1894.