

# 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	= = = = = = = = = = = = = = = = = = = =
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.

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. Registry of transfer. 26 27 Transmission of property in ship on death, bankruptcy, marriage, &c. Order for sale on transmission to unqualified person. Transfer of ship or sale by order of court. 29 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. Transmission of interest in mortgage by death, bankruptcy, . . . &c. Name of Ship Rules as to name of ship. 47 Registry of Alterations, Registry anew, and Transfer of Registry 48 Registry of alterations. 49 Regulations for registry of alteration. Provisional certificate and endorsement where ship is to be registered 50 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 Trusts and Equitable Rights 56 Notices of trusts not received. 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.
- Mode of making declarations. 61
- 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.
- Forms of documents, and instructions as to registry. 65

## Forgery and false Declarations

- 66 Forgery of documents.
- False declarations. 67

#### 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.
- National colours for ships, and penalty on carrying improper colours. 73
- 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 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 98 99 100 101 102 103 104 105–109	Fees on examination. Grant of certificates on passing examination. Certificates of service for naval officers. Form and record of certificate. Loss of certificate. Colonial certificates of competency. Production of certificates of competency to superintendent. Forgery, &c. of certificate of competency.
	Licences to supply Seamen
110 111 112 113–125	Licence for supply of seamen.  Penalty for engaging seamen without licence.  Penalty for receiving remuneration from seamen for engagement.
	Rating of Seamen
126 127–144 145, 146 147 148–153 154–197	Rating of seamen.
	Provisions, Health, and Accommodation
198–208 209 210 211–250	Certain ships to carry medical practitioners. Accommodation for seamen.
	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
267 268–270	Definition of "passenger" and "passenger steamer."

2. PASSENGER STEAMERS

## Survey of Passenger Steamers

	survey of Fassenger 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.
281 282	Posting up of certificate.  Populty for forgary of certificate or declaration
282	Penalty for forgery of certificate or declaration. Penalty for carrying passengers in excess.
284	Colonial certificates for passenger steamers.
201	Colonial certificates for passenger steamers.
	General Equipment of Passenger Steamers
285	Equipment of passenger steamers with compasses, hose, deck shelters,
286	and safety appliances. Prohibition of increasing weight on safety valve.
200	Frombition 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.
360	(1)
361, 362	
363	Exemption from survey of foreign passenger steamer or emigrant ship in certain cases.
	Application of Part III as regards Emigrant Ships
364, 365	11
366	Modification of provisions of Part III in their application to British
500	possessions.
367	Powers of governors of colonies as to numbers of steerage passengers.
368	
368A	

## 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
418 419 420 421 422 423 424 425, 426	Saving for local rules of navigation in harbours, &c. Duty of vessel to assist the other in case of collision.
	Life-saving Appliances
427 428 429 430 431	Rules as to life-saving appliances. Duties of owners and masters as to carrying life-saving appliances. Appointment of consultative committee for framing rules. Penalty for breach of rules. Survey of ship with respect to life-saving appliances.
	General Equipment
432 433 434 435	Adjustment of compasses and provision of hose.  Placing undue weight on safety valve.
126	Draught of Water and Load-Line Ship's draught of victor to be recorded
436 437–445	Ship's draught of water to be recorded.
	Dangerous Goods
446 447 448 449 450	Restrictions on carriage of dangerous goods.  Penalty for misdescription of dangerous goods.  Power to deal with goods suspected of being dangerous.  Forfeiture of dangerous goods improperly sent or carried.  Saving for other enactments relating to dangerous goods.

451 452–456	
	Unseaworthy Ships
457	
458	Obligation of shipowner to crew with respect to use of reasonable efforts to secure seaworthiness.
459	Power to detain unsafe ships, and procedure for detention.
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	A.1. '. C. 1 '.1 1. '.' ' 1. ' 1.'
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.
483 484	Powers of naval courts.
485	Report of proceedings of naval courts.  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.

497 498 499 500 501	Sale of goods by warehousemen. Application of proceeds of sale. Warehouseman's rent and expenses. Warehousemen's protection. 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
538 539 540 541 542	Marine store dealer to have his name and trade painted on his shop. Marine store dealer to keep proper books.  Marine store dealer not to purchase from person under sixteen.  Marine store dealer not to cut up cable, &c.  Permit to be advertised before dealer proceeds to act thereon.
	Marking of Anchors
543	Marking of anchors.
	Salvage
544 545 546	Salvage payable for saving life. Salvage of life from foreign vessels. Salvage of cargo or wreck.
	Procedure in Salvage
547 548 549 550 551 552 553 554 555 556	Determination of salvage disputes.  Determination of disputes as to salvage summarily.  Appeal in case of salvage disputes.  As to arbitrators in Ireland.  Valuation of property by receiver.  Detention of property liable for salvage by a receiver.  Sale of detained property by receiver.  Agreement as to salvage.  Apportionment of salvage under 2001. by receiver.  Apportionment of salvage by Admiralty Courts.
	Salvage by Her Majesty's Ships
557 558 559 560 561 562 563 564	Salvage by Her Majesty's ships. Salvage by Her Majesty's ships abroad. Provisions as to bond to be executed. Execution of bond. Enforcement of bond. Saving for other salvage rights. Exemption from stamp duty. 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
567 568	Receivers fees . Remuneration for services by coastguard .

	Duties on Wreck.
569	Provisions as to duties, &c. on wrecked goods.
	Supplemental
570 571	Powers of sheriff in Scotland. 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.
640, 641	
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.
650 651	Distress on ship for light dues. Receipt for light dues.
031	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	
664	Accounts of general lighthouse authorities.
665	
002	
	Offences in connexion with Lighthouses, &c.
666	Injury to lighthouses, &c.
667	Prevention of false lights.
007	Trevendon of table fights.
	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	1. pp. 1. w. 1. v.
679	Accounts and audit.
	PART XIII
	LEGAL PROCEEDINGS
	Prosecution of Offences
690	
680	Prosecution of offences.
681	Application of Summary Jurisdiction Acts in certain cases.
682	T' '' '' C' C' C T'
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
007	Admiralty Jurisdiction.
687A	Offences by officers of bodies corporate.
687B	Offences by partners, etc in Scotland
00/ <b>D</b>	Offices by partiers, etc in beorialia

712

Application of Part XII

#### 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. Sums ordered to be paid leviable by distress on ship. 693 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. 704 Form of complaint. 705 Warrants on summary proceedings. 706 Backing arrestments. 707 Form of decree for payment of money. Sentence and penalties in default of defender's appearance. 708 709 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

PART XIV

SUPPLEMENTAL

	General Control of Board of Trade
712	
713	Superintendence of merchant shipping by Board of Trade.
714 715	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.
123	Towers for seeing that Met is complied with.
	Surveyors of Ships
724 725	Appointment of surveyors.
725	D 4 1 CT 1
726	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	Definitions.
743	Application of Act to ships propelled by electricity, &c.
744	
	Repeal and Savings
745	Repeal.
746	Savings.
	Short Title and Commencement
747	Short title.
748	
	SCHEDULES
FIRST S	SCHEDULE —
	Part I
	Part II
	i ait ii
	Documents of which the forms are to be prescribed by the Commissioners of Customs and sanctioned by the Board of Trade
S	SECOND — SCHEDULE
	CHEDULE, — SCHEDULE
FIFTH S	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 —

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.]

# **Changes to legislation:**

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