



# Merchant Shipping Act 1894

## 1894 CHAPTER 60

### PART II

#### MASTERS AND SEAMEN.

##### *Certificates of Competency.*

#### **92 Certificates of competency to be held by officers of ships.**

- (1) Every British foreign-going ship and every British home trade passenger ship, when going to sea from any place in the United Kingdom, and every foreign steamship carrying passengers between places in the United Kingdom, shall be provided with officers duly certificated under this Act according to the following scale :—
- (a) In any case with a duly certificated master :
  - (b) If the ship is of one hundred tons burden or upwards, with at least one officer besides the master holding a certificate not lower than that of only mate in the case of a foreign-going ship, or of mate in the case of a home trade passenger ship :
  - (c) If the ship is a foreign-going ship, and carries more than one mate, with at least the first and second mate duly certificated :
  - (d) If the ship is a foreign-going steamship of one hundred nominal horse-power or upwards, with at least two engineers, one of whom shall be a first-class and the other a first-class or second-class engineer duly certificated :
  - (e) If the ship is a foreign-going steamship of less than one hundred nominal horse-power, or a sea-going home trade passenger steamship, with at least one engineer who is a first-class or second-class engineer duly certificated.
- (2) If any person—
- (a) having been engaged as one of the above-mentioned officers goes to sea as such officer without being duly certificated ; or
  - (b) employs a person as an officer, in contravention of this section, without ascertaining that the person so serving is duly certificated,

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that person shall be liable for each offence to a fine not exceeding fifty pounds:

- (3) An officer shall not be deemed duly certificated, within the meaning of this section, unless he is the holder for the time being of a valid certificate of competency under this Act of a grade appropriate to his station in the ship, or of a higher grade.

### **93 Grades of certificates of competency.**

- (1) Certificates of competency shall be granted, in accordance with this Act, for each of the following grades ; (that is to say,  
 Master of a foreign-going ship :  
 First mate of a foreign-going ship :  
 Second mate of a foreign-going ship :  
 Only mate of a foreign-going ship :  
 Master of a home trade passenger ship :  
 Mate of a home trade passenger ship :  
 First-class engineer :  
 Second-class engineer.
- (2) A certificate of competency for a foreign-going ship shall be deemed to be of a higher grade than the corresponding certificate for a home trade passenger ship, and shall entitle the lawful holder thereof to go to sea in the corresponding grade in the last-mentioned ship; but a certificate for a home trade passenger ship shall not entitle the holder to go to sea as master or mate of a foreign-going ship.

### **94 Examinations for certificates of competency.**

- (1) For the purpose of granting certificates of competency as masters, or mates, to persons desirous of obtaining the same, examinations shall be held by Local Marine Boards at their respective ports.
- (2) The Board of Trade may make rules which shall be strictly adhered to by the examiners for—  
 (a) the conduct of the examinations ; and  
 (b) the qualification of the applicants :  
 and may depute any of their officers to attend and assist at any examination.
- (3) The approval of the Board of Trade shall be necessary so far as regards the number and the remuneration of the examiners, and an examiner shall not be appointed, unless he holds a certificate of qualification to be from time to time granted or renewed by the Board of Trade.
- (4) The Board of Trade may, if it appears to them that the examination for two or more ports can be held without inconvenience by the same examiners, provide that the examination be so held, and require the Local Marine Boards of those ports to act as one board for the purpose of the examination.
- (5) Subject to the powers of the Board of Trade under this section the Local Marine Board may appoint, remove, and re-appoint examiners, and regulate the conduct of the examinations, and any member of the Local Marine Board may be present at and assist at the examinations held by that Board.

**95 Examinations by Board of Trade in certain cases.**

Where the business of a mercantile marine office is conducted otherwise than under a Local Marine Board, the Board of Trade may exercise all such powers and make all such provisions for the holding of examinations as may be exercised and made by a Local Marine Board.

**96 Engineers certificates of competency.**

- (1) For the purpose of granting certificates of competency as engineers to persons desirous of obtaining the same, examinations shall be held at such places as the Board of Trade direct.
- (2) The Board of Trade may appoint times for the examinations, and may appoint, remove, and re-appoint examiners to conduct the same, and determine the remuneration of those examiners, and may regulate the conduct of the examinations and the qualification of the applicants and may do all such acts and things as they think expedient for the purpose of the examinations.

**97 Fees on examination.**

An applicant for examination, whether as master, mate, or engineer, shall pay such fees, not exceeding those specified in the Fourth Schedule to this Act, as the Board of Trade direct, and the fees shall be paid to such persons as the Board appoint and carried to the Mercantile Marine Fund.

**98 Grant of certificates on passing examination.**

- (1) The Board of Trade shall, subject as herein-after mentioned, deliver to every applicant who is duly reported by the examiners to have passed the examination satisfactorily, and to have given satisfactory evidence of his sobriety, experience, ability, and general good conduct on board ship, such a certificate of competency as the case requires.
- (2) The Board of Trade may in any case in which a report appears to them to have been unduly made, remit the case either to the examiners who made the report or to any other examiners, and may require a re-examination of the applicant, or a further inquiry into his testimonials and character, before granting him a certificate.

**99 Certificates of service for naval officers.**

- (1) A person who has attained the rank of lieutenant, sub-lieutenant, navigating lieutenant, or navigating sub-lieutenant in Her Majesty's Navy, or of lieutenant in Her Majesty's Indian Marine Service, shall be entitled to a certificate of service as master of a foreign-going ship without examination.
- (2) A person who has attained the rank of engineer or assistant engineer in Her Majesty's Navy or Indian Marine Service, shall be entitled without examination, if an engineer, to a certificate of service as first-class engineer, and if an assistant engineer to a certificate of service as second-class engineer.
- (3) A certificate of service shall differ in form from a certificate of competency, and shall contain the name and rank of the person to whom it is delivered, and the Board of Trade shall deliver a certificate of service to any person who proves himself to be entitled thereto.

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- (4) The provisions of this Act (including the penal provisions) shall apply in the case of a certificate of service as they apply in the case of a certificate of competency, except that the provisions allowing a holder of a certificate of competency as master of a foreign-going ship to go to sea as master or mate of a home trade passenger ship shall not apply.

**100 Form and record of certificate.**

- (1) All certificates of competency shall be made in duplicate, one part to be delivered to the person entitled to the certificate, and one to be preserved.
- (2) Such last-mentioned part of the certificate shall be preserved, and a record of certificates of competency and the suspending, cancelling, or altering of the certificates and any other matter affecting them shall be kept, in such manner as the Board of Trade direct, by the Registrar-General of Shipping and Seamen or by such other person as the Board of Trade direct.
- (3) Any such certificate and any record under this section shall be admissible in evidence in manner provided by this Act.

**101 Loss of certificate.**

If a master, mate, or engineer proves to the satisfaction of the Board of Trade that he has, without fault on his part, lost or been deprived of a certificate already granted to him, the Board of Trade shall, and in any other case may, upon payment of such fee (if any) as they direct, cause a copy of the certificate to which, by the record kept in pursuance of this Act, he appears to be entitled, to be certified by the Registrar-General of Shipping and Seamen, or other person directed to keep the record, and to be delivered to him; and a copy purporting to be so certified shall have all the effect of the original.

**102 Colonial certificates of competency.**

Where the legislature of any British possession provides for the examination of, and grant of certificates of competency to, persons intending to act as masters, mates, or engineers on board ships, and the Board of Trade report to Her Majesty that they are satisfied that the examinations are so conducted as to be equally efficient with the examinations for the same purpose in the United Kingdom under this Act, and that the certificates are granted on such principles as to show the like qualifications and competency as those granted under this Act, and are liable to be forfeited for the like reasons and in the like manner, Her Majesty may by Order in Council,—

- (i) declare that the said certificates shall be of the same force as if they had been granted under this Act: and
- (ii) declare that all or any of the provisions of this Act, which relate to certificates of competency granted under this Act, shall apply to the certificates referred to in the Order: and
- (iii) impose such conditions and make such regulations with respect to the certificates, and to the use, issue, delivery, cancellation, and suspension thereof, as Her Majesty may think fit, and impose fines not exceeding fifty pounds for the breach of those conditions and regulations.

### **103 Production of certificates of competency to superintendent.**

- (1) The master of a foreign-going ship—
  - (a) on signing the agreement with the crew before a superintendent shall produce to him the certificates of competency which the master, mates, and engineers of the ship are by this Act required to hold: and
  - (b) in the case of a running agreement shall also, before the second and every subsequent voyage, produce to the superintendent the certificate of competency of any mate or engineer then first engaged by him who is required by this Act to hold a certificate.
- (2) The master or owner of every home trade passenger ship of more than eighty tons burden shall produce to some superintendent within twenty-one days after the thirtieth of June and the thirty-first of December in every year the certificates of competency which the master, mates, and engineers of the ship are by this Act required to hold.
- (3) Upon the production of the certificates of competency, the superintendent shall, if the certificates are such as the master, mates, and engineers of the ship ought to hold, give to the master a certificate to the effect that the proper certificates of competency have been so produced.
- (4) The master shall, before proceeding to sea, produce the superintendent's certificate to the chief officer of customs, and the ship may be detained until the certificate is produced.

### **104 Forgery, &c. of certificate of competency.**

If any person—

- (a) forges or fraudulently alters, or assists in forging or fraudulently altering, or procures to be forged or fraudulently altered, any certificate of competency, or an official copy of any such certificate; or
- (b) makes, assists in making, or procures to be made, any false representation for the purpose of procuring either for himself or for any other person a certificate of competency : or
- (c) fraudulently uses a certificate or copy of a certificate of competency which has been forged, altered, cancelled or suspended, or to which he is not entitled; or
- (d) fraudulently lends his certificate of competency or allows it to be used by any other person,

that person shall in respect of each offence be guilty of a misdemeanor.

*Apprenticeship to the Sea Service.*

### **105 Assistance given by superintendents as to apprenticeship.**

All superintendents shall give to persons desiring of apprenticing boys' to or requiring apprentices for the sea service, such assistance as may be in their power, and may receive from those persons such fees as the Board of Trade fix, with the concurrence, so far as relates to pauper apprentices in England, of the Local Government Board, and so far as relates to pauper apprentices in Ireland, of the Local Government Board for Ireland.

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## **106 Apprenticeships of paupers in Great Britain and Ireland.**

Subject to the special provisions of this Act, apprenticeships to the sea service made by a board of guardians or persons having the authority of a board of guardians shall, if made in Great Britain, be made in the same manner and be subject to the same laws and regulations as other apprenticeships made by such boards or persons; and if made in Ireland, be subject to the following regulations:—

- (a) The board of guardians or other persons in any poor law-union may put out and bind as apprentice to the sea service any boy who, or whose parent, is receiving relief in the union, and who has attained the age of twelve years, and is of sufficient health and strength, and consents to be bound :
- (b) If the cost of relieving the boy is chargeable to an electoral division of a poor law union, then, (except where paid officers act in place of guardians) he shall not be so bound unless the consent in writing of the guardians of that division, or of a majority of them, if more than one, is first obtained, and that consent shall, if possible, be endorsed on the indenture :
- (c) The expenses incurred in the binding and outfit of any such apprentice shall be charged to the poor law union or electoral division, as the case may be, to which the boy or his parent is chargeable at the time of his being apprenticed :
- (d) All indentures made in a poor law union may be sued on by the board of guardians of the union, or persons having the authority of such board, by their name of office; and actions so brought shall not abate by reason of any death or change in the persons holding office, but such an action shall not be commenced without the consent of the Local Government Board for Ireland :
- (e) The amount of the costs incurred in any such action, and not recovered from the defendant, may be charged as the expenses incurred in binding out the apprentice.

## **107 Attestation of pauper apprenticeship.**

Every indenture of apprenticeship to the sea service made in the United Kingdom by a board of guardians, or persons having the authority of a board of guardians, shall be executed by the boy and the person to whom he is bound in the presence of and shall be attested by two justices of the peace, and those justices shall ascertain that the boy has consented to be bound and has attained the age of twelve years and is of sufficient health and strength, and that the person to whom the boy is bound is a proper person for the purpose.

## **108 Special provisions as to apprenticeship to the sea service.**

- (1) Every indenture of apprenticeship to the sea service shall be executed in duplicate and shall be exempt from stamp duty.
- (2) Every indenture of apprenticeship to the sea service, made in the United Kingdom, and every assignment or cancellation thereof, and, where the apprentice bound dies or deserts, the fact of the death or desertion, shall be recorded.
- (3) For the purpose of the record—
  - (a) a person to whom an apprentice to the sea service is bound shall within seven days of the execution of the indenture take or transmit to the Registrar-General of Shipping and Seamen, or to a superintendent, the indenture executed in duplicate, and the Registrar-General or superintendent shall keep and record

the one indenture and endorse on the other the fact that it has been recorded and re-deliver it to the master of the apprentice;

- (b) the master shall notify any assignment or cancellation of the indenture, or the death or desertion of the apprentice, to the Registrar-General of Shipping and Seamen, or to a superintendent, within seven days of the occurrence, if it occurs within the United Kingdom; or, as soon as circumstances permit, if it occurs elsewhere.
- (4) If any person fails to comply with any requirement of this section, he shall for each offence be liable to a fine not exceeding ten pounds.

**109 Production of indentures to superintendent before voyage in foreign-going ship.**

- (1) The master of a foreign-going ship shall, before carrying an apprentice to sea from a port in the United Kingdom, cause the apprentice to appear before the superintendent before whom the crew are engaged, and shall produce to the superintendent the indenture by which the apprentice is bound, and every assignment thereof.
- (2) The name of the apprentice, with the date of the indenture and of the assignments thereof, if any, and the names- of the ports at which the same have been registered, shall be entered on the agreement with the crew.
- (3) If the master fails without reasonable cause to comply with any requirement of this section he shall for each offence be liable to a fine not exceeding five pounds.

*Licences to supply Seamen.*

**110 Licence for supply of seamen.**

The Board of Trade may grant to such persons as the Board think fit licences to engage or supply seamen or apprentices for merchant ships in the United Kingdom, and any such licence shall continue for such period, and may be granted and revoked on such terms and conditions as the Board think proper.

**111 Penalty for engaging seamen without licence.**

- (1) A person shall not engage or supply a seaman or apprentice to be entered on board any ship in the United Kingdom, unless that person either holds a licence from the Board of Trade for the purpose, or is the owner or master or mate of the ship, or is bona fide the servant and in the constant employment of the owner, or is a superintendent.
- (2) A person shall not employ for the purpose of engaging or supplying a seaman or apprentice to be entered on board any ship in the United Kingdom any person, unless that person either holds a licence from the Board of Trade for the purpose, or is the owner or master or mate of the ship, or is bona fide the servant and in the constant employment of the owner, or is a superintendent.
- (3) A person shall not receive or accept to be entered on board any ship any seaman or apprentice, if that person knows that the seaman or apprentice has been engaged or supplied in contravention of this section.
- (4) If a person acts in contravention of this section, he shall for each seaman or apprentice in respect of whom an offence is committed, be liable to a fine not exceeding twenty pounds, and, if a licensed person, shall forfeit his licence.

**112 Penalty for receiving remuneration from seamen for engagement.**

- (1) A person shall not demand or receive directly or indirectly from a seaman or apprentice to the sea service, or from a person seeking employment as a seaman or apprentice to the sea service, or from a person on his behalf, any remuneration whatever for providing him with employment other than any fees authorised by this Act.
- (2) If a person acts in contravention of this section, he shall for each offence be liable to a fine not exceeding five pounds.

*Engagement of Seamen.***113 Agreements with crew.**

- (1) The master of every ship, except ships of less than eighty tons registered tonnage exclusively employed in trading between different ports on the coasts of the United Kingdom, shall enter into an agreement (in this Act called the agreement with the crew) in accordance with this Act with every seaman whom he carries to sea as one of his crew from any port in the United Kingdom.
- (2) If a master of a ship carries any seaman to sea without entering into an agreement with him in accordance with this Act, the master in the case of a foreign-going ship, and the master or owner in the case of a home trade ship, shall for each offence be liable to a fine not exceeding five pounds.

**114 Form, period, and conditions of agreements with crew.**

- (1) An agreement with the crew shall be in a form approved by the Board of Trade, and shall be dated at the time of the first signature thereof, and shall be signed by the master before a seaman signs the same.
- (2) The agreement with the crew shall contain as terms thereof the following particulars:
  - (a) Either the nature, and, as far as practicable, the duration of the intended voyage or engagement, or the maximum period of the voyage or engagement and the places or parts of the world, if any, to which the voyage or engagement is not to extend :
  - (b) The number and description of the crew, specifying how many are engaged as sailors :
  - (c) The time at which each seaman is to be on board or to begin work:
  - (d) The capacity in which each seaman is to serve :
  - (e) The amount of wages which each seaman is to receive:
  - (f) A scale of the provisions which are to be furnished to each seaman:
  - (g) Any regulations as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishment for misconduct which have been approved by the Board of Trade as regulations proper to be 'adopted, and which the parties agree to adopt.
- (3) The agreement with the crew shall be so framed as to admit of such stipulations, to be adopted at the will of the master and seaman in each case, whether respecting the advance and allotment of wages or otherwise, as are not contrary to law.



- (4) If the master of a ship registered at a port out of the United Kingdom has an agreement with the crew made in due form according to the law of that port or of the port in which her crew were engaged, and engages single seamen in the United Kingdom, those seamen may sign the agreement so made, and it shall not then be necessary for them to sign an agreement in the form approved by the Board of Trade.

### **115 Special provisions as to agreements with crew of foreign-going ships.**

The following provisions shall have effect with respect to the agreements with the crew made in the United Kingdom in the case of foreign-going ships registered either within or without the United Kingdom :—

- (1) The agreement shall (subject to the provisions of this Act as to substitutes) be signed by each seaman in the presence of a superintendent:
- (2) The superintendent shall cause the agreement to be read over and explained to each seaman, or otherwise ascertain that each seaman understands the same before he signs it, and shall attest each signature:
- (3) When the crew is first engaged the agreement shall be signed in duplicate, and one part shall be retained by the superintendent, and the other shall be delivered to the master, and shall contain a special place or form for the descriptions and signatures of substitutes or persons engaged subsequently to the first departure of the ship:
- (4) Where a substitute is engaged in the place of a seaman who duly signed the agreement, and whose services are within twenty-four hours of the ship's putting to sea lost by death, desertion, or other unforeseen cause, the engagement shall, when practicable, be made before a superintendent, and, when not practicable, the master shall, before the ship puts to sea, if practicable, and if not, as soon afterwards as possible, cause the agreement to be read over and explained to the substitute, and the substitute shall thereupon sign the same in the presence of a witness, and the witness shall attest the signature :
- (5) The agreements maybe made for a voyage, or if the voyages of the ship average less than six months in duration may be made to extend over two or more voyages, and agreements so made to extend over two or more voyages are in this Act referred to as running agreements :
- (6) Running agreements shall not extend beyond the next following thirtieth day of June or thirty-first day of December, or the first arrival of the ship at her port of destination in the United Kingdom after that date, or the discharge of cargo consequent on that arrival:
- (7) On every return to a port in the United Kingdom before the final termination of a running agreement, the master shall make on the agreement an endorsement as to the engagement or discharge of seamen, either that no engagements or discharges have been made, or are intended to be made before the ship leaves port, or that all those made have been made as required by law, and if a master wilfully makes a false statement in any such endorsement, he shall for each offence be liable to a fine not exceeding twenty pounds:
- (8) The master shall deliver the running agreement so endorsed to the superintendent, and the superintendent shall, if the provisions of this Act relating to agreements have been complied with, sign the endorsement and return the agreement to the master:

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- (9) The duplicate running agreement retained by the superintendent on the first engagement of the crew shall either be transmitted to the Registrar-General of Shipping and Seamen immediately, or kept by the superintendent until the expiration of the agreement, as the Board of Trade direct.

**116 Special provisions as to agreements with crew of home trade ships.**

The following provisions shall have effect with respect to the agreements with the crew of home trade ships for which an agreement with the crew is required under this Act:—

- (1) Agreements may be made either for service in a particular ship or for service in two or more ships belonging to the same owner, but in the latter case the names of the ships and the nature of the service shall be specified in the agreement:
- (2) Crews or single seamen may, if the master think fit, be engaged before a superintendent in the same manner as they are required to be engaged for foreign-going ships, but if the engagement is not so made, the master shall, before the ship puts to sea, if practicable, and if not, as soon after as possible, cause the agreement to be read and explained to each seaman, and the seaman shall thereupon sign the same in the presence of a witness, and the witness shall attest the signature:
- (3) An agreement for service in two or more ships belonging to the same owner may be made by the owner instead of by the master; and the provisions of this Act with respect to the making of the agreement shall apply accordingly :
- (4) Agreements shall not, in the case of ships of more than eighty tons burden, extend beyond the next following thirtieth day of June or thirty-first day of December or the first arrival of the ship at her final port of destination in the United Kingdom after that date or the discharge of cargo consequent on that arrival: Provided that the owner or his agent may enter into time agreements in forms sanctioned by the Board of Trade with individual seamen to serve in any one or more ships belonging to such owner, and those agreements need not expire on the thirtieth day of June or the thirty-first day of December, and a duplicate of every such agreement shall be forwarded to the Registrar-General of Shipping and Seamen within forty-eight hours after it has been entered into.

**117 Changes in crew of foreign-going ship to be reported.**

- (1) The master of every foreign-going ship whose crew has been engaged before a superintendent shall, before finally leaving the United Kingdom, sign, and send to the nearest superintendent, a full and accurate statement, in a form approved by the Board of Trade, of every change which takes place in his crew before finally leaving the United Kingdom, and that statement shall be admissible in evidence in manner provided by this Act.
- (2) If a master fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding five pounds.

**118 Certificate as to agreements with crew of foreign-going ships.**

- (1) In the case of a foreign-going ship, on the due execution of an agreement with the crew in accordance with this Act, and also, where the agreement is a running agreement, on

compliance by the master, before the second and every subsequent voyage made after the first commencement of the agreement, with the provisions of this Act respecting that agreement, the superintendent shall grant the master of the ship a certificate to that effect.

- (2) The master of every foreign-going ship shall, before proceeding to sea, produce to the officer of customs that certificate, and any such ship may be detained until the certificate is produced.
- (3) The master of every foreign-going ship shall, within forty-eight hours after the ship's arrival at her final port of destination in the United Kingdom or upon the discharge of the crew, whichever first happens, deliver his agreement with the crew to the superintendent, and the superintendent shall give the master a certificate of that delivery; and an officer of customs shall not clear the ship inwards until the certificate of delivery is produced, and if the master fails without reasonable cause so to deliver the agreement with the crew, he shall for each offence be liable to a fine not exceeding five pounds.

#### **119 Certificate as to agreements with crew of home trade ships.**

- (1) The master or owner of a home trade ship of more than eighty tons burden shall within twenty-one days after the thirtieth day of June and the thirty-first day of December in every year deliver or transmit to a superintendent in the United Kingdom every agreement with the crew made for the ship within six months next preceding those days respectively.
- (2) The superintendent on receiving the agreement shall give the master or owner of the ship a certificate to that effect, and the ship shall be detained unless the certificate is produced to the proper officer of customs.
- (3) If the master or owner fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding five pounds.

#### **120 Copy of agreement to be made accessible to crew.**

- (1) The master shall at the commencement of every voyage or engagement cause a legible copy of the agreement with the crew, (omitting the signatures,) to be posted up in some part of the ship which is accessible to the crew.
- (2) If the master fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding five pounds.

#### **121 Forgery, &c. of agreements with crew.**

If any person fraudulently alters, makes any false entry in, or delivers a false copy of, any agreement with the crew, that person shall in respect of each offence be guilty of a misdemeanor, and if any person assists in committing or procures to be committed any such offence, he shall likewise in respect of each offence be guilty of a misdemeanor.

#### **122 Alterations in agreements with crew.**

Every erasure, interlineation, or alteration in any agreement with the crew (except additions made for the purpose of shipping substitutes or persons engaged after the first departure of the ship) shall be wholly inoperative, unless proved to have been made

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with the consent of all the persons interested in the erasure, interlineation, or alteration, by the written attestation (if in Her Majesty's dominions) of some superintendent, justice, officer of customs, or other public functionary, or elsewhere, of a British consular officer, or where there is no such officer, of two respectable British merchants.

**123 Seamen not to be bound to produce agreement.**

In any legal or other proceeding a seaman may bring forward evidence to prove the contents of any agreement with the crew or otherwise to support his case, without producing, or giving notice to produce the agreement or any copy thereof.

**124 Engagement of seamen in colonial and foreign ports.**

- (1) With respect to the engagement of seamen abroad, the following provisions shall have effect:—

Where the master of a ship engages a seaman in any British possession other than that in which the ship is registered or at a port in which there is a British consular officer, the provisions of this Act respecting agreements with the crew made in the United Kingdom shall apply subject to the following modifications :—

- (a) In any such British possession the master shall engage the seaman before some officer being either a superintendent or, if there is no such superintendent, an officer of customs;
  - (b) At any such port having a British consular officer, the master shall, before carrying the seaman to sea, procure the sanction of the consular officer, and shall engage the seaman before that officer;
  - (c) The officer shall endorse upon the agreement an attestation to the effect that the agreement has been signed in his presence and otherwise made as required by this Act, and also, if the officer is a British consular officer, that it has his sanction, and if the attestation is not made the burden of proving that the engagement was made as required by this Act shall lie upon the master.
- (2) If a master fails to comply with this section he shall be liable for each offence to a fine not exceeding five pounds.

*Agreements with Lascars.*

**125 Agreements with lascars.**

- (1) The master or owner of any ship, or his agent, may enter into an agreement with a lascar, or any native of India, binding him to proceed either as a seaman or as a passenger—
- (a) to any port in the United Kingdom, and there to enter into a further agreement to serve as a seaman in any ship which may happen to be there, and to be bound to any port in British India; or
  - (b) to any port in the Australian colonies, and there to enter into a further agreement to serve as a seaman in any ship which may happen to be there, and to be bound to the United Kingdom or to any other part of Her Majesty's dominions.
- (2) The original agreement shall be made in such form, and contain such provisions, and be executed in such manner, and contain such conditions for securing the return of the

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lascar or native to his own country and for other purposes, as the Governor-General of India in Council or the Governor in Council of any Indian Presidency in which the agreement is made may direct.

- (3) Where any lascar or native bound by the original agreement is, on arriving in the United Kingdom or one of the said colonies, as the case may be, required to enter into such further agreement as aforesaid, some officer appointed for the purpose in the United Kingdom by a Secretary of State in Council of India, or in any such colony by the governor of the colony, may, on the payment of such fee not exceeding ten shillings, as a Secretary of State in Council of India or the governor may direct, certify—
- (a) that the further agreement is a proper agreement in all respects for the lascar or native to make, and is in accordance with the original agreement; and
  - (b) that the ship to which the further agreement relates is in all respects a proper ship for the lascar or native to serve in and also where the ship is in one of the said Australian colonies, that it is properly supplied with provisions; and
  - (c) that there is not, in his opinion, any objection to the full performance of the original agreement;

and thereupon the lascar or native shall be deemed to be engaged under the further agreement and to be for all purposes one of the crew of the ship to which it relates, and the lascar or native shall, notwithstanding a refusal to enter into the further agreement, be liable to the same consequences, and be dealt with in all respects in the same manner, as if he had voluntarily entered into the same.

- (4) The master of every ship arriving at a port in the United Kingdom, which has or during any part of her voyage has had on board a lascar or any native of India either as one of her crew or otherwise, shall exhibit to the officer of customs, or to such person as the Board of Trade may authorise in that behalf, a statement, containing a list and description of all lascars or natives of India who are, or have been, so on board, and an account of what has become of any lascar or native of India who at any time during the voyage has been, but is not then, on board, and the ship shall not be cleared inwards until the statement is exhibited, and if the master fails to exhibit such statement he and the owner of the ship shall be liable jointly and severally to a fine not exceeding ten pounds for every lascar or native of India in respect of whom the-failure takes place.
- (5) Nothing in this section shall affect any provisions which are unrepealed of the Act of the fourth year of the reign of King George the Fourth, chapter eighty, intituled, " An Act to consolidate and amend the several laws now in force with respect to trade within the limits of the charter of the East India Company and to make further provision with respect to such trade."

#### *Rating of Seamen.*

### **126 Rating of seamen.**

- (1) A seaman shall not be entitled to the rating of A.B., that is to say, of an able-bodied seaman, unless he has served at sea for four years before the mast, but the employment of fishermen; in decked fishing vessels registered under the first part of this Act shall only count as sea service up to the period of three years of that employment; and the rating of A.B. shall only be granted after at least one year's sea service in a trading vessel in addition to three or more years sea service on board of decked fishing vessels; so registered.

- (2) The service may be proved by certificates of discharge, by a certificate of service from the Registrar-General of Shipping and Seamen (granted by the Registrar on payment of a fee not exceeding sixpence), specifying in each case whether the service was rendered in whole or in part in steam ship or in sailing ship, or by other satisfactory proof.

*Discharge of Seamen.*

**127 Discharge before superintendent.**

- (1) When a seaman serving in a British foreign-going ship, whether registered within or without the United Kingdom, is on the termination of his engagement discharged in the United Kingdom, he shall, whether the agreement with the crew be an agreement for the voyage or a running agreement, be discharged in manner provided by this Act in the presence of a superintendent.
- (2) If the master or owner of a ship acts in contravention of this section, he shall for each offence be liable to a fine not exceeding ten pounds.
- (3) If the master or owner of a home trade ship so desire, the seamen of that ship may be discharged in the same manner as seamen discharged from a foreign-going ship.

**128 Certificate of discharge and return of certificate to officer on discharge.**

- (1) The master shall sign and give to a seaman discharged from his ship, either on his discharge or on payment of his wages, a certificate of his discharge in a form approved by the Board of Trade, specifying the period of his service and the time and place of his discharge, and if the master fails so to do he shall for each offence be liable to a fine not exceeding ten pounds.
- (2) The master shall also, upon the discharge of every certificated officer whose certificate of competency has been delivered to and retained by him, return the certificate to the officer, and if without reasonable cause he fails so to do he shall for each offence be liable to a fine not exceeding twenty pounds.

**129 Reports of seaman's character.**

- (1) Where a seaman is discharged before a superintendent, the master shall make and sign, in a form approved by the Board of Trade, a report of the conduct, character, and qualifications of the seaman discharged, or may state in the said form that he declines to give any opinion upon such particulars, or upon any of them, and the superintendent before whom the discharge is made shall, if the seaman desires, give to him or endorse on his certificate of discharge a copy of such report (in this Act referred to as the report of character).
- (2) The superintendent shall transmit the reports to the Registrar-General of Shipping and Seamen, or to such other person as the Board of Trade may direct, to be recorded.

**130 False or forged certificate of discharge or report of character.**

ff any person—

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*Status: This is the original version (as it was originally enacted).*

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- (a) makes a false report of character under this Act, knowing the same to be false; or
  - (b) forges or fraudulently alters any certificate of discharge or report of character or copy of a report of character ; or
  - (c) assists in committing, or procures to be committed, any of such offences as aforesaid ; or
  - (d) fraudulently uses any certificate of discharge or report of character or copy of a report of character which is forged or altered or does not belong to him,
- he shall in respect of each offence be guilty of a misdemeanor.

*Payment of Wages.*

**131 Payment of wages before superintendent.**

- (1) Where a seaman is discharged before a superintendent in the United Kingdom, he shall receive his wages through or in the presence of the superintendent, unless a competent court otherwise direct, and if in such a case the master or owner of a ship pays his wages within the United Kingdom in any other manner, he shall for each offence be liable to a fine not exceeding ten pounds.
- (2) If the master or owner of a home trade ship so desires, the seamen of that ship may receive their wages in the same manner as seamen discharged from a foreign-going ship.

**132 Master to deliver account of wages.**

- (1) The master of every ship shall before paying off or discharging a seaman deliver at the time and in the manner provided by this Act a full and true account, in a form approved by the Board of Trade, of the seaman's wages, and of all deductions to be made therefrom on any account whatever.
- (2) The said account shall be delivered—
  - (a) where the seaman is not to be discharged before a superintendent, to the seaman himself not less than twenty-four hours before his discharge or payment off; and
  - (b) where the seaman is to be discharged before a superintendent, either to the seaman himself at or before the time of his leaving the ship, or to the superintendent not less than twenty-four hours before the discharge or payment off.
- (3) If the master of a ship fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding five pounds.

**133 Deductions from wages of seamen.**

- (1) A deduction from the wages of a seaman shall not be allowed unless it is included in the account delivered in pursuance of the last preceding section, except in respect of a matter happening after the delivery.
- (2) The master shall during the voyage enter the various matters in respect of which the deductions are made, with the amounts of the respective deductions, as they occur, in a book to be kept for that purpose, and shall, if required, produce the book at the time

of the payment of wages, and also upon the hearing before any competent authority of any complaint or question relating to that payment.

**134 Time of payment of wages for foreign-going ships.**

In the case of foreign-going ships (other than ships employed on voyages for which seamen by the terms of their agreement are wholly compensated by a share in the profits of the adventure)—

- (a) The owner or master of the ship shall pay to each seaman on account, at the time when he lawfully leaves the ship at the end of his engagement, two pounds, or one fourth of the balance of wages due to him, whichever is least; and shall pay him the remainder of his wages within two clear days (exclusive of any Sunday, fast day in Scotland, or Bank holiday) after he so leaves the ship:
- (b) If the seaman consents, the final settlement of his wages may be left to a superintendent under regulations of the Board of Trade, and the receipt of the superintendent shall in that case operate as if it were a release given by the seaman in accordance with this Part of this Act:
- (c) In the event of the seaman's wages or any part thereof not being paid or settled as in this section mentioned, then, unless the delay is due to the act or default of the seaman, or to any reasonable dispute as to liability, or to any other cause not being the wrongful act or default of the owner or master, the seaman's wages shall continue to run and be payable until the time of the final settlement thereof.

**135 Time of payment of wages for home trade ships.**

- (1) The master or owner of every home trade ship shall pay to every seaman his wages within two days after the termination of the agreement with the crew, or at the time when the seaman is discharged, whichever first happens.
- (2) If a master or owner fails without reasonable cause to make payment at that time, he shall pay to the seaman a sum not exceeding the amount of two days pay for each of the days during which payment is delayed beyond that time, but the sum payable shall not exceed ten days double pay.
- (3) Any sum payable under this section may be recovered as wages.

**136 Settlement of wages.**

- (1) Where a seaman is discharged, and the settlement of his wages completed, before a superintendent, he shall sign in the presence of the superintendent a release, in a form approved by the Board of Trade, of all claims in respect of the past voyage or engagement; and the release shall also be signed by the master or owner of the ship, and attested by the superintendent.
- (2) The release, so signed and attested, shall operate as a mutual discharge and settlement of all demands between the parties thereto in respect of the past voyage or engagement.
- (3) The release shall be retained by the superintendent, and on production from his custody shall be admissible in evidence in manner provided by this Act.



- (4) Where the settlement of a seaman's wages is by this Act required to be completed through or in the presence of a superintendent, no payment, receipt, or settlement, made otherwise than in accordance with this Act shall operate as or be admitted as evidence of the release or satisfaction of any claim.
- (5) Upon any payment being made by a master before a superintendent, the superintendent shall, if required, sign and give to the master a statement of the whole amount so paid ; and the statement shall as between the master and his employer be admissible as evidence that the master has made the payments therein mentioned.

### **137 Decision of questions by superintendents.**

- (1) Where in the case of a foreign-going ship a question as to wages is raised before a superintendent between the master or owner of the ship and a seaman or apprentice, and the amount in question does not exceed five pounds, the superintendent may, on the application of either party, adjudicate, and the decision of the superintendent in the matter shall be final; but if the superintendent is of opinion that the question is one which ought to be decided by a court of law, he may refuse to decide it.
- (2) Where any question, of whatever nature and whatever the amount in dispute, between a master or owner and any of his crew is raised before a superintendent, and both parties agree in writing to submit the same to him, the superintendent shall hear and decide the question so submitted; and an award made by him upon the submission shall be conclusive as to the rights of the parties, and the submission or award shall not require a stamp; and a document purporting to be the submission or award shall be admissible as evidence thereof.

### **138 Power of superintendent to require production of ship's papers.**

- (1) In any proceeding under this Act before a superintendent relating to the wages, claims, or discharge of a seaman, the superintendent may require the owner, or his agent, or the master, or any mate or other member of the crew, to produce any log-books, papers, or other documents in his possession or power relating to a matter in question in the proceeding, and may require the attendance of and examine any of those persons, being then at or near the place, on the matter.
- (2) If any person so required fails, without reasonable cause, to comply with the requisition, he shall for each offence be liable to a fine not exceeding five pounds.

### **139 Rule as to payment of British seamen in foreign money.**

Where a seaman has agreed with the master of a British ship for payment of his wages in British sterling or any other money, any payment of, or on account of, his wages if made in any other currency than that stated in the agreement, shall, notwithstanding anything in the agreement, be made at the rate of exchange for the money stated in the agreement, for the time being current at the place where the payment is made.

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*Status: This is the original version (as it was originally enacted).*

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*Advance and Allotment of Wages.*

**140 Advance notes restricted.**

- (1) (a) Where an agreement with the crew is required to be made in a form approved by the Board of Trade, the agreement may contain a stipulation for payment to or on behalf of the seaman, conditionally on his going to sea in pursuance of the agreement, of a sum not exceeding the amount of one month's wages payable to the seaman under the agreement; and
- (b) Stipulations for the allotment of a seaman's wages may be made in accordance with this Act.
- (2) Save as aforesaid an agreement by or on behalf of the employer of a seaman for the payment of money to or on behalf of the seaman conditionally on his going to sea from any port in the United Kingdom shall be void, and any money paid in satisfaction or in respect of any such agreement shall not be deducted from the seaman's wages, and a person shall not have any right of action, suit, or set-off against the seaman or his assignee in respect of any money so paid or purporting to have been so paid.

**141 Regulations as to allotment notes.**

- (1) Any stipulation made by a seaman at the commencement of a voyage for the allotment of any part of his wages during his absence shall be inserted in the agreement with the crew, and shall state the amounts and times of the payments to be made.
- (2) Where the agreement is required to be made in a form approved by the Board of Trade, the seaman may require that a stipulation be inserted in the agreement for the allotment by means of an allotment note, of any part (not exceeding one half) of his wages in favour either of a near relative or of a savings bank.
- (3) Allotment notes shall be in a form approved by the Board of Trade.
- (4) For the purposes of the provisions of this Act with respect to allotment notes—
  - (a) the expression "near relative" means one of the following persons, namely, the wife, father, mother, grandfather, grandmother, child, grandchild, brother, or sister of the seaman.
  - (b) the expression "savings bank" means a seamen's savings bank under this Act, or a trustee savings bank, or a post office savings bank.

**142 Allotments through savings banks.**

- (1) An allotment in favour of a savings bank shall be made in favour of such persons and carried into effect in such manner as may be prescribed by regulations of the Board of Trade.
- (2) The sum received by a savings bank in pursuance of an allotment, shall be paid out only on an application made, through a superintendent or the Board of Trade, by the seaman himself, or, in case of his death, by some person to whom his property, if under one hundred pounds in value, may be paid under this Act.

**143 Right of suing on allotment notes.**

- (1) The person in whose favour an allotment note under this Act is made may, unless the seaman is shown, in manner in this Act specified, to have forfeited or ceased to be entitled to the wages out of which the allotment is to be paid, recover the sums allotted, when and as the same are made payable, with costs from the owner of the ship with respect to which the engagement was made, or from any agent of the owner who has authorised the allotment, in the same court and manner in which wages of seamen not exceeding fifty pounds may be recovered under this Act; provided that the wife of a seaman, if she deserts her children, or so misconducts herself as to be undeserving of support from her husband, shall forfeit all right to further payments under any allotment made in her favour.
- (2) In any proceeding for such recovery it shall be sufficient for the claimant to prove that he is the person mentioned in the note, and that the note was given by the owner or by the master or some other authorised agent; and the seaman shall be presumed to be duly earning his wages, unless the contrary is shown to the satisfaction of the court, either—
  - (a) by the official statement of the change in the crew caused by his absence, made and signed by the master, as by this Act is required, or
  - (b) by a certified copy of some entry in the official log-book to the effect that he has left the ship, or
  - (c) by a credible letter from the master of the ship to the same effect, or
  - (d) by such other evidence as the court in their absolute discretion consider sufficient to show satisfactorily that the seaman has ceased to be entitled to the wages out of which the allotment is to be paid.

**144 Time for payment of allotment note.**

A payment under an allotment note shall begin at the expiration of one month, or, if the allotment is in favour of a savings bank, of three months, from the date of the agreement with the crew, or at such later date as may be fixed by the agreement, and shall be paid at the expiration of every subsequent month, or of such other periods as may be fixed by the agreement, and shall be paid only in respect of wages earned before the date of payment.

*Seamen's Money Orders and Savings Banks.*

**145 Remittance of seamen's wages, &c. by seamen's money orders.**

- (1) Facilities shall be given for remitting the wages and other money of seamen and apprentices to the sea service to their relatives or other persons by means of seamen's money orders, issued by superintendents in accordance with this Act.
- (2) The Board of Trade may make regulations concerning seamen's money orders, and in particular may specify in those regulations the time and mode of payment, and the persons by or to whom the same are to be paid; and all such regulations, while in force, shall be binding upon all persons interested or claiming to be interested in the orders as well as upon the officers employed in issuing or paying the same.

**146 Power to pay when order is lost.**

The Board of Trade may, if they think fit, cause the amount of any seaman's money order to be paid to the person to whom or in whose favour the same has been granted, or to the personal representative, or any legatee, or next-of-kin of such person, notwithstanding that the order may not be in his possession; and, from and after the payment, the Board of Trade, and every superintendent and officer of the Board of Trade shall be freed from all liability in respect of the money order.

**147 Penalty for issuing money orders with fraudulent intent.**

If any superintendent or officer grants or issues a seaman's money order with a fraudulent intent he shall be guilty of felony, and shall for each offence be liable to penal servitude for a term not exceeding five and not less than three years.

**148 Power for Board of Trade to establish savings banks.**

- (1) The Board of Trade may maintain a central seamen's savings bank in London, and may establish and maintain branch seamen's savings banks at such ports and places in the United Kingdom as they think expedient, and may receive at those banks deposits from or on account of seamen (whether of the Royal Navy, merchant service or other sea service) or the wives, widows, and children of such seamen, so that the aggregate amount of deposits standing at any one time in the name of any one depositor do not exceed two hundred pounds.
- (2) The Board of Trade may constitute any mercantile marine office a branch savings bank for seamen, and, if so required, any superintendent of that office shall act as agent of the Board of Trade in executing the provisions of this Act relative to savings banks.
- (3) The Board of Trade may make regulations with respect to the persons entitled to become depositors in seamen's savings banks, the making and withdrawal of deposits, the amount of deposits, the rate and payment of interest, the rights, claims, and obligations of depositors, and all other matters incidental to carrying into execution the provisions of this Act with respect to seamen's savings banks, and those regulations while in force shall have effect as if enacted in this Act.

**149 National Debt Commissioners to receive deposits, &c.**

- (1) The National Debt Commissioners, on the request of the Board of Trade, may receive from and repay to the account of the Board the money paid as deposits in seamen's savings banks.
- (2) The Commissioners shall invest money so received in the like manner as money received from trustee savings banks, and shall pay to the account of the Board of Trade, interest on the money while in their hands, at the same rate as on the money received from trustee savings banks.

**150 Application of deposits of deceased depositor.**

All sums due from the Board of Trade to the estate of any deceased person on account of any deposit in a seamen's savings bank shall be paid and applied by the Board of Trade as if they were the property of a deceased seaman received by the Board under this Act, and the provisions of this Act respecting that property shall apply accordingly.

**151 Expenses of savings banks.**

The Board of Trade may, out of the interest received by them from the National Debt Commissioners under this Act, pay any expenses incurred by them in relation to seamen's savings banks.

**152 Accounts and copy of regulations to be laid before Parliament.**

An annual account of all deposits received and repaid on account of seamen's savings banks by the Board of Trade under this Act, and of the interest thereon, and a copy of all regulations made by the Board of Trade with respect to seamen's savings banks shall be laid before both Houses of Parliament.

**153 Public officers to be exempt from legal proceedings, except in case of wilful default.**

Legal proceedings shall not be instituted against the Board of Trade, or against any superintendent or officer employed in or about any seamen's savings bank or about any seamen's money order, on account of any regulations made by the Board of Trade with reference to those banks or orders, or on account of any act done or left undone in pursuance thereof, or on account of any refusal, neglect, or omission to pay any order or any deposit or interest thereon, unless that refusal, neglect, or omission arises from fraud or wilful misconduct on the part of the person against whom proceedings are instituted.

**154 Forgery of documents, &c. for purpose of obtaining money in seamen's savings bank.**

If any person, for the purpose of obtaining, either for himself or for any other person, any money deposited in a seamen's savings bank or any interest thereon—

- (a) forges or fraudulently alters, assists in forging or fraudulently altering, or procures to be forged or fraudulently altered, any document purporting to show or assist in showing any right to any such money or interest; or
- (b) makes use of any document which has been so forged or fraudulently altered as aforesaid ; or
- (c) gives, assists in giving, or procures to be given, any false evidence, knowing the same to be false ; or
- (d) makes, assists in making, or procures to be made, any false representation, knowing the same to be false ; or
- (e) assists in procuring any false evidence or representation to be given or made, knowing the same to be false;

that person shall for each offence be liable to penal servitude for a term not exceeding five years, or to imprisonment for any term not exceeding two years with or without hard labour, or on summary conviction to imprisonment with or without hard labour for any period not exceeding six months.

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*Status: This is the original version (as it was originally enacted).*

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*Rights of Seamen in respect of Wages.*

**155 Right to wages, &c. when to begin.**

A seaman's right to wages and provisions shall be taken to begin either at the time at which he commences work or at the time specified in the agreement for his commencement of work or presence on board, whichever first happens.

**156 Right to recover wages, and salvage not to be forfeited.**

- (1) A seaman shall not by any agreement forfeit his lien on the ship, or be deprived of any remedy for the recovery of his wages, to which in the absence of the agreement he would be entitled, and shall not by any agreement abandon his right to wages in case of the loss of the ship, or abandon any right that he may have or obtain in the nature of salvage ; and every stipulation in any agreement inconsistent with any provision of this Act shall be void.
- (2) Nothing in this section shall apply to a stipulation made by the seamen belonging to any ship, which according to the terms of the agreement is to be employed on salvage service, with respect to the remuneration to be paid to them for salvage services to be rendered by that ship to any other ship.

**157 Wages not to depend on freight.**

- (1) The right to wages shall not depend on the earning of freight; and every seaman and apprentice who would be entitled to demand and recover any wages, if the ship in which he has served had earned freight, shall, subject to all other rules of law and conditions applicable to the case, be entitled to demand and recover the same, notwithstanding that freight has not been earned ; but in all cases of wreck or loss of the ship, proof that the seaman has not exerted himself to the utmost to save the ship, cargo, and stores, shall bar his claim to wages.
- (2) Where a seaman or apprentice who would, but for death, be entitled by virtue of this section to demand and recover any wages, dies before the wages are paid, they shall be paid and applied in manner provided by this Act with respect to the wages of a seaman who dies during a voyage.

**158 Wages on termination of service by wreck or illness.**

Where the service of a seaman terminates before the date contemplated in the agreement, by reason of the wreck or loss of the ship, or of his being left on shore at any place abroad under a certificate granted as provided by this Act of his unfitness or inability to proceed on the voyage, he shall be entitled to wages up to the time of such termination, but not for any longer period.

**159 Wages not to accrue during refusal to work or imprisonment.**

A seaman or apprentice shall not be entitled to wages for any time during which he unlawfully refuses or neglects to work, when required, whether before or after the time fixed by the agreement for his commencement of such work, nor, unless the court hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offence committed by him.

**160 Forfeiture of wages, &c. of seaman when illness caused by his own default.**

Where a seaman is by reason of illness incapable of performing his duty, and it is proved that the illness has been caused by his own wilful act or default, he shall not be entitled to wages for the time during which he is by reason of the illness incapable of performing his duty.

**161 Costs of procuring punishment may be deducted from wages.**

Whenever in any proceeding relating to seamen's wages it is shown that a seaman or apprentice has in the course of the voyage been convicted of an offence by a competent tribunal, and rightfully punished for that offence by imprisonment or otherwise, the court hearing the case may direct any part of the wages due to the seaman, not exceeding three pounds, to be applied in reimbursing any costs properly incurred by the master in procuring (he conviction and punishment.

**162 Compensation to seamen improperly discharged.**

If a seaman, having signed an agreement, is discharged otherwise than in accordance with the terms thereof before the commencement of the voyage, or before one month's wages are earned, without fault on his part justifying that discharge, and without his consent, he shall be entitled to receive from the master or owner, in addition to any wages he may have earned, due compensation for the damage caused to him by the discharge not exceeding one month's wages, and may recover that compensation as if it were wages duly earned.

**163 Restriction on sale of, and charge upon, wages.**

- (1) As respects wages due or accruing to a seaman or apprentice to the sea service—
  - (a) they shall not be subject to attachment or arrestment from any court;
  - (b) an assignment or sale thereof made prior to the accruing thereof shall not bind the person making the same;
  - (c) a power of attorney or authority for the receipt thereof shall not be irrevocable; and
  - (d) a payment of wages to the seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of those wages, or any attachment, incumbrance, or arrestment thereof.
- (2) Nothing in this section shall affect the provisions of this Act with respect to allotment notes.

*Mode of recovering Wages.*

**164 Summary proceedings for wages.**

A seaman or apprentice to the sea service, or a person duly authorised on his behalf, may as soon as any wages due to him, not exceeding fifty pounds, become payable, sue for the same before a court of summary jurisdiction in or near the place at which his service has terminated, or at which he has been discharged, or at which any person on whom the claim is made is or resides, and the order made by the court in the matter shall be final.

**165 Restrictions on suits for wages.**

A proceeding for the recovery of wages not exceeding fifty pounds shall not be instituted by or on behalf of any seaman or apprentice to the sea service in any superior court of record in Her Majesty's dominions, nor as an Admiralty proceeding in any court having Admiralty jurisdiction in those dominions, except—

- (i) where the owner of the ship is adjudged bankrupt; or
- (ii) where the ship is under arrest or is sold by the authority of any such court as aforesaid; or
- (iii) where a court of summary jurisdiction acting under the authority of this Act, refers the claim to any such court; or
- (iv) where neither the owner nor the master of the ship is or resides within twenty miles of the place where the seaman or apprentice is discharged or put ashore.

**166 Wages not recoverable abroad in certain cases.**

- (1) Where a seaman is engaged for a voyage or engagement which is to terminate in the United Kingdom, he shall not, be entitled to sue in any court abroad for wages, unless he is discharged with such sanction as is required by this Act, and with the written consent of the master, or proves such ill-usage on the part or by authority of the master, as to warrant reasonable; apprehension of danger to his life if he were to remain on board.
- (2) If a seaman on his return to the United Kingdom proves, that the master or owner has been guilty of any conduct or default which but for this section would have entitled the seaman to sue for wages before the termination of the voyage or engagement, he shall be entitled to recover in addition to his wages such compensation not exceeding twenty pounds as the court hearing the case-thinks reasonable.

**167 Remedies of master for wages, disbursements, &c.**

- (1) The master of a ship shall, so far as the case permits, have the same rights, liens, and remedies for the recovery of his wages as a seaman has under this Act, or by any law or custom.
- (2) The master of a ship, and every person lawfully acting as; master of a ship, by reason of the decease or incapacity from illness of the master of the ship, shall, so far as the case permits, have the same rights, liens, and remedies for the recovery of disbursements or liabilities properly made or incurred by him on account of the ship as a master has for the recovery of his wages.
- (3) If in any Admiralty proceeding in any court having Admiralty jurisdiction touching the claim of a master in respect of wages, or of such disbursements, or liabilities as aforesaid, any right of set-off or counter-claim is set up, the court may enter into and adjudicate upon all questions, and settle all accounts then arising or outstanding and unsettled between the parties to the proceeding, and may direct payment of any balance found to be due.



*Power of Courts to rescind Contracts.*

**168 Power of court to rescind contract between owner or master and seaman or apprentice.**

Where a proceeding is instituted in or before any court in relation to any dispute between an owner or master of a ship and a seaman or apprentice to the sea service, arising out of or incidental to their relation as such, or is instituted for the purpose of this section, the court, if, having regard to all the circumstances of the case they think it just to do so, may rescind any contract between the owner or master and the seaman or apprentice, or any contract of apprenticeship, upon such terms as the court may think just, and this power shall be in addition to any other jurisdiction which the court can exercise independently of this section.

*Property of deceased Seamen.*

**169 Property of seamen who die during voyage.**

- (1) If any seaman or apprentice to the sea service belonging to a British ship the voyage of which is to terminate in the United Kingdom, whether a foreign-going or a home trade ship, dies during that voyage, the master of the ship shall take charge of any money or effects belonging to the seaman or apprentice which are on board the ship.
- (2) The master may, if he think fit, cause any of the effects to be sold by auction at the mast or otherwise by public auction.
- (3) The master shall enter in the official log-book the following particulars:—
  - (a) A statement of the amount of the money and a description of the effects :
  - (b) In case of a sale, a description of each article sold, and the sum received for each :
  - (c) A statement of the sum due to the deceased for wages and of the amount of deductions (if any) to be made from the wages.
- (4) The entry shall be signed by the master and attested by a mate and some other member of the crew.
- (5) The said money, effects, proceeds of sale of effects, and balance of wages, are in this Act referred to as the property of the seaman or apprentice.

**170 Dealing with and account of property of seamen who die during voyage.**

- (1) Where a seaman or apprentice dies as aforesaid and the ship before coming to a port in the United Kingdom touches and remains for forty-eight hours at some port elsewhere, the master shall report the case to the British consular officer at such port, or if the port is in a British possession, to the officer of customs there, and shall give to the officer any information he requires as to the destination of the ship and probable length of the voyage.
- (2) That officer may, if he thinks it expedient, require the property to be delivered and paid to him, and shall thereupon give to the master a receipt thereof, and endorse under his hand upon the agreement with the crew such particulars with respect thereto as the Board of Trade require.

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- (3) The receipt shall be produced by the master to a superintendent within forty-eight hours after his arrival at his port of destination in the United Kingdom.
- (4) Where a seaman or apprentice dies as aforesaid and the ship proceeds at once to a port in the United Kingdom without touching and remaining as aforesaid at a port elsewhere, or the consular officer or officer of customs does not require the delivery and payment of the property as aforesaid, the master shall, within forty-eight hours after his arrival at his port of destination in the United Kingdom, deliver and pay the property to the superintendent at that port.
- (5) In all cases where a seaman or apprentice dies during the progress of a voyage or engagement, the master shall give to the Board of Trade, or to the superintendent or officer to whom delivery and payment is made as aforesaid, such account in such form as they respectively require of the property of the deceased.
- (6) A deduction claimed by the master in such account shall not be allowed unless verified, if an official log-book is required to be kept, by an entry in that book made and attested as required by this Act, and also by such other vouchers (if any) as may reasonably be required by the Board of Trade or by the superintendent or officer to whom the account is given.
- (7) A superintendent in the United Kingdom shall grant to a master, upon due compliance with such provisions of this section as relate to acts to be done at the port of destination, a certificate to that effect; and an officer of customs shall not clear inwards a foreign-going ship without the production of that certificate.

**171 Penalty for non-compliance with provisions as to property of deceased seamen.**

- (1) If the master of the ship fails to comply with the provisions of this Act with respect to taking charge of the property of a deceased seaman or apprentice, or to making in the official log-book the proper entries relating thereto, or to procuring the proper attestation of those entries as required by this Act, or to the payment or delivery of the property, he shall be accountable for the property to the Board of Trade, and shall pay and deliver the same accordingly, and shall in addition for each offence be liable to a fine not exceeding treble the value of the property not accounted for, or if such value is not ascertained not exceeding fifty pounds.
- (2) If any such property is not duly paid, delivered, or accounted for by the master, the owner of the ship shall pay, deliver, and account for the same, and such property shall be recoverable from him accordingly, and if he fails to account for and deliver or pay the same, he shall in addition to his liability for the same be liable to a fine not exceeding treble the value of the property not accounted for, delivered, or paid over, or, if such value be not ascertained, not exceeding fifty pounds.
- (3) The property may be recovered in the same court and manner in which the wages of seamen may be recovered under this Act.

**172 Property of deceased seamen left abroad but not on board ship.**

If any seaman or apprentice to the sea service belonging to a British ship the voyage of which is to terminate in the United Kingdom, or who has within six months preceding his death belonged to any such ship, dies at any place out of the United Kingdom, leaving any money or effects not on board the ship to which he belonged at the time of his death or to which he last belonged before his death, the chief officer of customs

in the case of a British possession, and in other cases the British consular officer at or near the place, shall claim and take charge of such money and effects, and such money and effects shall be deemed to be property of a deceased seaman or apprentice within the meaning of this Part of this Act.

**173 Dealing with property of deceased seamen by officers abroad.**

- (1) A chief officer of customs in a British possession and a British consular officer may, as he thinks fit, sell any of the property of a deceased seaman or apprentice delivered to him or of which he takes charge under this Act, and the proceeds of any such sale shall be deemed to form part of the said property.
- (2) Every such officer shall quarterly, or at such times as the Board of Trade require, remit the property in such manner, and shall render such accounts in respect thereof as the Board of Trade require.

**174 Recovery of wages, &c. of seamen lost with their ship.**

- (1) Where a seaman or apprentice is lost with the ship to which he belongs the Board of Trade may recover the wages due to him from the owner of the ship, in the same court and in the same manner in which seamen's wages are recoverable, and shall deal with those wages in the same manner as with the wages of other deceased seamen and apprentices under this Act.
- (2) In any proceeding for the recovery of the wages, if it is shown by some official return produced out of the custody of the Registrar-General of Shipping and Seamen, or by other evidence, that the ship has twelve months or upwards before the institution of the proceeding left a port of departure, she shall, unless it is shown that she has been heard of within twelve months after that departure, be deemed to have been lost with all hands on board, either immediately after the time she was last heard of, or at such later time as the court hearing the case may think probable.
- (3) Any duplicate agreement or list of the crew made out, or statement of a change of the crew delivered, under this Act, at the time of the last departure of the ship from the United Kingdom, or a certificate purporting to be a certificate from a consular or other public officer at any port out of the United Kingdom, stating that certain seamen and apprentices were shipped in the ship from the said port, shall, if produced out of the custody of the Registrar-General of Shipping and Seamen, or of the Board of Trade, be, in the absence of proof to the contrary, sufficient proof that the seamen and apprentices therein named as belonging to the ship were on board at the time of the loss.

**175 Property of seamen dying at home.**

If a seaman or apprentice to the sea service dies in the United Kingdom, and is at the time of his death entitled to claim from the master or owner of a ship in which he has served any effects or unpaid wages, the master or owner shall pay and deliver or account for such property to the superintendent at the port where the seaman or apprentice was discharged or was to have been discharged, or to the Board of Trade, or as that Board direct.

**176 Payment over of property of deceased seamen by Board of Trade.**

- (1) Where any property of a deceased seaman or apprentice comes into the hands of the Board of Trade, or any agent of that Board, the Board of Trade, after deducting for expenses incurred in respect of that seaman or apprentice or of his property such sum as they think proper to allow, shall, subject to the provisions of this Act, deal with the residue as follows:—
  - (a) If the property exceeds in value one hundred pounds, they shall pay and deliver the residue to the legal personal representative of the deceased:
  - (b) If the property do not exceed in value one hundred pounds, the Board may as they think fit either pay or deliver the residue to any claimant who is proved to their satisfaction to be the widow or a child of the deceased, or to be entitled to the personalty of the deceased either under his will (if any) or any statute of distribution or otherwise, or to be a person entitled to take out representation, although no such representation has been taken out, and shall be thereby discharged from all further liability in respect of the residue so paid or delivered; or
  - (c) They may, if they think fit, require representation to be taken out, and pay and deliver the residue to the legal personal representative of the deceased.
- (2) Every person to whom any such residue is so paid or delivered shall apply the same in due course of administration.

**177 Dealing with deceased seaman's property when he leaves a will.**

- (1) Where a deceased seaman or apprentice has left a will the Board of Trade may refuse to pay or deliver the above-mentioned residue—
  - (a) if the will was made on board ship, to any person claiming under the will, unless the will is in writing, and is signed or acknowledged by the testator in the presence of, and is attested by, the master or first or only mate of the ship, and
  - (b) if the will was not made on board ship, to any person claiming under the will, and not being related to the testator by blood or marriage, unless the will is in writing, and is signed or acknowledged by the testator in the presence of, and is attested by, two witnesses, one of whom is a superintendent, or is a minister of religion officiating in the place in which the will is made, or, where there are no such persons, a justice, British consular officer, or an officer of customs.
- (2) Whenever the Board of Trade refuse under this section to pay or deliver the residue to a person claiming under a will the residue shall be dealt with as if no will had been made.

**178 Claims by creditors.**

- (1) A creditor shall not be entitled to claim from the Board of Trade the property of a deceased seaman or apprentice, or any part thereof, by virtue of representation obtained as creditor.
- (2) A creditor shall not be entitled by any means whatever to obtain payment of his debt out of the property, if the debt accrued more than three years before the death of the deceased, or if the demand is not made within two years after the death.

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- (3) The demand shall be made by the creditor delivering to the Board of Trade an account in writing in a form approved by the Board, stating the particulars of his demand and the place of his abode, and signed by him and verified by a statutory declaration.
- (4) If before the demand is made, any claim to the property of the deceased made by any person has been allowed, that Board shall give notice to the creditor of the allowance of the claim.
- (5) If no claim has been allowed, the Board of Trade shall investigate the creditor's account, and may for that purpose require him to prove the same, and to produce all books, accounts, vouchers, and papers relating thereto; and if by means of them the creditor satisfies the Board of Trade of the justice of the demand, either in the whole or in part, the same shall be allowed and paid accordingly, so far as the property then in the hands of the Board of Trade will extend for that purpose, and the Board of Trade shall thereby be discharged from all further liability in respect of money so paid; but if the Board are not satisfied as to the claim, or if such books, accounts, vouchers, or papers as aforesaid are not produced, and sufficient reason is not given for their non-production, the demand shall be disallowed.
- (6) In any case whatever the Board of Trade may delay the investigation of any demand made by a creditor for the payment of his debt for one year from the time of the first delivery of the demand; and if in the course of that time a claim to the property of the deceased is made by any person as widow, next of kin, or legatee, and allowed by the Board of Trade under this Act, the Board of Trade may pay and deliver the same to that person.
- (7) Where the property has been paid and delivered by the Board of Trade to any person as a widow, next of kin, or legatee of the deceased, whether before or after the demand made by" the creditor, the creditor shall have the same rights and remedies against that person as if he had received the property as the legal personal representative of the deceased.

**179 Dealing with unclaimed property of deceased seaman.**

Where no claim to the property of a deceased seaman or apprentice received by the Board of Trade is substantiated within six years after the receipt thereof the Board may in their absolute discretion, if any subsequent claim is made, either allow or refuse the claim, and, subject to the allowance of any such claim, shall apply such property in manner provided by Part Twelve of this Act (relating to the Mercantile Marine Fund).

**180 Forgery of documents, &c. for purpose of obtaining property of deceased seamen.**

If any person, for the purpose of obtaining, either for himself or for any other person, any property of any deceased seaman or apprentice to the sea service,—

- (a) forges or fraudulently alters, or assists in forging or fraudulently altering, or procures to be forged or fraudulently altered any document purporting to show or assist in showing any right to such property; or
- (b) makes use of any document which has been so forged or fraudulently altered as aforesaid; or
- (c) gives or assists in giving, or procures to be given, any false evidence, knowing the same to be false; or

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- (d) makes or assists in making, or procures to be made, any false representation, knowing the same to be false ; or
- (e) assists in procuring any false evidence or representation to be given or made, knowing the same to be false,—

that person shall for each offence be liable to penal servitude for a term not exceeding five years, or to imprisonment for a term not exceeding two years with or without hard labour, or on summary conviction to imprisonment with or without hard labour for any period not exceeding six months.

### **181 Property of seamen discharged from Royal Navy.**

Where a seaman invalided or discharged from any of Her Majesty's ships is sent home in a merchant ship, and dies during the voyage, the provisions of this Act respecting the property of deceased seamen shall apply, with this qualification, that the property shall be delivered, paid over, and disposed of in such manner as the Accountant-General of Her Majesty's Navy directs.

*Reimbursement of Relief to Seamen's Families.*

### **182 Relief to seamen's families to be chargeable on a certain proportion of their wages.**

- (1) Whenever, during the absence of any seaman on a voyage, his wife, or any of his children or step-children, becomes chargeable to any union or parish in the United Kingdom, that union or parish shall be entitled to be reimbursed, out of the wages of the seaman earned during the voyage, any sums properly expended during his absence in the maintenance of those members of his family or any of them, so that the sums do not exceed the following proportions of his wages ; (that is to say,)
  - (a) If only one of those members is chargeable, one half of the wages :
  - (b) If two or more of those members are chargeable, two thirds of the wages.
- (2) If during the absence of the seaman any sums have been paid by the owner of his ship to or on behalf of any such member as aforesaid, under an allotment note made by the seaman in favour of the member, any claim for reimbursement as aforesaid shall be limited to the excess (if any) of the proportion of the wages hereinbefore mentioned over the sums so paid.

### **183 Notice to owner, and enforcement of charge.**

- (1) For the purpose of obtaining such reimbursement as aforesaid, the board of guardians in a poor law union in England or Ireland, and the inspector of the poor in any parish in Scotland, may give to the owner of the ship in which the seaman is serving a notice in writing stating the proportion of the seaman's wages upon which it is intended to make a claim, and requiring the owner to retain such proportion in his hands for a period to be therein mentioned, not exceeding twenty-one days from the time of the seaman's return to his port of discharge, and also requiring the owner immediately on the seaman's return to give notice in writing thereof to the board or inspector.
- (2) The owner, after receiving any such notice, shall retain the said proportion of wages, and give notice of the seaman's return accordingly, and shall likewise give to the seaman notice of the intended claim.

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- (3) The board or inspector may, upon the seaman's return, apply to a court of summary jurisdiction having jurisdiction in the union or parish for an order for reimbursement; and that court may make a summary order for the reimbursement to the whole extent claimed, or to such lesser amount as the court, under the circumstances, think fit; and the owner shall pay to the board or inspector out of the seaman's wages the amount so ordered to be paid by way of reimbursement, and shall pay the residue of the wages to the seaman.
- (4) If no order for reimbursement is obtained within the period mentioned in the notice given to the owner as aforesaid, the proportion of wages to be retained by him shall immediately on the expiration of that period and without deduction be payable to the seaman.

*Destitute Seamen.*

**184 Penalty on masters of ships leaving certain seamen in distress in the United Kingdom.**

- (1) If any person being a native of any country in Asia or Africa, or of any island in the South Sea or the Pacific Ocean, or of any other country not having a consular officer in the United Kingdom, is brought to the United Kingdom in a 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 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 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 be liable to a fine not exceeding thirty pounds, unless he can show that the person left as aforesaid quitted the ship without the consent of the master, or that the master, owner, or consignee, has afforded him due means of returning to his native country, or to the country in which he was shipped.
- (2) The court inflicting the fine may order the whole or any part of the fine to be applied towards the relief or sending home of the person left.

**185 Relief of destitute lascars.**

- (1) It shall be the duty of the Secretary of State in Council of India to take charge of and send home or otherwise provide for all lascars or other natives of India who are found destitute in the United Kingdom.
- (2) If any such destitute person is relieved and maintained by a board of guardians in a poor law union in England or Ireland, or by the inspector of the poor in any parish in Scotland, the board or inspector may give notice thereof in writing to the Secretary of State in Council of India specifying, so far as is practicable, the following particulars; namely,—
  - (a) The name of the person relieved or maintained ; and
  - (b) The part of India of which he professes to be a native ; and
  - (c) The name of the ship in which he was brought to the United Kingdom; and
  - (d) The port abroad from which the ship sailed, and the port in the United Kingdom at which the ship arrived when he was so brought to the United Kingdom, and the time of the arrival.

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- (3) The Secretary of State in Council of India shall repay to the board of guardians or inspector out of the revenues of India all moneys duly expended by them or him in relieving or maintaining the destitute person after the time at which the notice is given, and any money so paid or otherwise paid by the said Secretary of State, on account of the relief or maintenance or passage home of the destitute person, shall be a joint and several debt due to the said Secretary of State from the master and owner of the ship by which the destitute person was brought to the United Kingdom.
- (4) This section shall apply only to such lascars or other natives of India as have been brought to the United Kingdom either as seamen, or for employment as seamen, or for employment by the owner of the ship bringing them.

*Leaving Seamen Abroad.*

**186 Discharge of seamen in foreign countries.**

- (1) In the following cases; namely,—
- (a) where a British ship is transferred or disposed of at any port out of Her Majesty's dominions, and a seaman or apprentice belonging thereto does not in the presence of some British consular officer, or, if there is no such officer there, in the presence of one or more respectable British merchants residing at the port and not interested in the ship, signify his consent in writing to complete the voyage if continued, and
  - (b) where the service of any seaman or apprentice belonging to any British ship terminates at any port out of Her Majesty's dominions,
- the master shall give to that seaman or apprentice a certificate of discharge in a form approved by the Board of Trade, and in the case of any certificated officer whose certificate he has retained shall return such certificate to him.
- (2) The master shall also besides paying the wages to which the seaman or apprentice is entitled, either—
- (a) provide him with adequate employment on board some other British ship bound to the port in Her Majesty's dominions at which he was originally shipped, or to a port in the United Kingdom agreed to by the seaman, or
  - (b) furnish the means of sending him back to some such port, or
  - (c) provide him with a passage home, or
  - (d) deposit with the consular officer or merchants as aforesaid such a sum of money as is by the officer or merchants deemed sufficient to defray the expenses of his maintenance and passage home.
- (3) The consular officer or merchants shall endorse upon the agreement with the crew of the ship which the seaman or apprentice is leaving the particulars of any payment, provision, or deposit made under this section.
- (4) If the master fails, without reasonable cause, to comply with any requirement of this section, the expenses of maintenance or passage home,—
- (a) if defrayed by the seaman or apprentice shall be recoverable as wages due to him ; and
  - (b) if defrayed by the consular officer or by any other person shall (unless the seaman or apprentice has been guilty of barratry) be a charge upon the ship to which the seaman or apprentice belonged and upon the owner for the time



being-thereof and may be recovered against the owner, with costs; at the suit of the consular officer or other person defraying the expenses, or, in case they have been allowed to him out of public money, as a debt to the Crown, either by ordinary process of law, or in the manner in which wages can be recovered under this Act.

**187 Penalty for forcing seamen on shore or leaving them behind.**

The master of, or any other person belonging to, a British ship, shall not wrongfully force on shore and leave behind, or otherwise wilfully and wrongfully leave behind, in any place on shore or at sea, in or out of Her Majesty's dominions, a seaman or apprentice to the sea service before the completion of the voyage for which he was engaged or before the return of the ship to the United Kingdom, and if he does so, he shall in respect of each offence be guilty of a misdemeanor.

**188 Seamen not to be discharged or left abroad unless sanction or certificate obtained.**

(1) The master of a British ship shall not discharge a seaman or apprentice to the sea service abroad, or leave him behind abroad, ashore, or at sea, unless he previously obtains, endorsed on the agreement with the crew, the sanction, or in the case of leaving behind the certificate—

- (a) at any place in a British possession of a superintendent (or in the absence of any such superintendent of the chief officer of customs at or near the place) ; and
- (b) at any place elsewhere of the British consular officer for the place, or, in the absence of any such officer, of two merchants resident at or near the place, or, if there is only one merchant so resident, of that merchant,

but nothing in this section shall require such sanction where the discharge is in the British possession where the seaman was shipped.

- (2) The certificate shall state in writing the fact and cause of the seaman being left behind whether the cause be unfitness or inability to proceed to sea, desertion, or disappearance.
- (3) The person to whom an application is made for a sanction or certificate under this section may, and, if not a merchant, shall, examine into the grounds on which a seaman or apprentice is to be discharged or left abroad, and for that purpose may, if he thinks fit, administer oaths, and may grant or refuse the sanction or certificate as he thinks just.
- (4) If a master acts in contravention of this section, he shall be guilty of a misdemeanor, and in any legal proceeding for the offence it shall lie on the master to prove that the sanction or certificate was obtained, or could not be obtained.

**189 Accounts and payment of wages in case of seamen left abroad.**

(1) Where a master of a British ship leaves a seaman or apprentice on shore abroad, whether within or without Her Majesty's dominions, on the ground of his unfitness or inability to proceed on the voyage, he shall deliver to the person signing the certificate above mentioned, a full and true account of the wages due to the seaman or apprentice, and if the said person is a consular officer shall deliver the account in duplicate.

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- (2) If a master fails without reasonable cause to deliver the account he shall for each offence be liable to a fine not exceeding ten pounds, and if he delivers a false account he shall for each offence be liable to a fine not exceeding twenty pounds, in addition in each case to the payment of the wages,
- (3) The master shall pay the amount of wages due to a seaman or apprentice so left abroad as aforesaid, if he is left in a British possession to the seaman or apprentice himself, and if he is left elsewhere to the British consular officer.
- (4) The payment shall be made, whenever it is practicable, in money, and, when not so practicable, by bill drawn on the owner of the ship, but if payment is made by bill—
  - (a) the person signing the certificate shall certify by endorsement on the bill that the same is drawn for seamen's wages, and shall also endorse on the agreement with the crew, the amount for which the bill is drawn, and such further particulars as the Board of Trade require;
  - (b) if the bill is drawn by the master, the owner of the ship shall be liable to pay the amount to the holder or endorsee thereof; and it shall not be necessary in any proceeding against the owner upon the bill to prove that the master had authority to draw it;
  - (c) a bill purporting to be drawn and endorsed under this section, shall if produced out of the custody of the Board of Trade or of the Registrar-General of Shipping and Seamen, or of any superintendent' be admissible in evidence ; and any endorsement on any such bill purporting to be made in pursuance of this section shall also be admissible as evidence of the facts stated in the endorsement.
- (5) If a master fails, without reasonable cause, to make such payment of wages as provided by this section, he shall for each offence be liable in addition to the payment of the wages to a fine not exceeding ten pounds.
- (6) Where payment is made to a British consular officer, that officer shall, if satisfied with the account, endorse on one of the duplicates thereof a receipt for the payment, and return it to the master, and the master shall deliver the duplicate within forty-eight hours of his return to his port of destination in the United Kingdom to the superintendent at that port.
- (7) The British consular officer shall retain the other duplicate of the account, and shall deal with the sum so paid to him in the following manner; namely,—
  - (a) If the seaman or apprentice subsequently obtains employment at or quits the port at which the payment has been made, he shall deduct out of the sum any expenses incurred by him in respect of the maintenance of the seaman or apprentice under this Act, except such as the owner or master is by this Act required to defray, and shall pay the remainder to the seaman or apprentice, and deliver to him an account of the sums so received and expended on his behalf ;
  - (b) If the seaman or apprentice dies before his ship quits the port, he shall deal with the sum as part of the property of a deceased seaman; and
  - (c) If the seaman or apprentice is sent home at the public expense under this Act, he shall account for the sum to the Board of Trade ; and the sum, after deducting any expenses duly incurred in respect of the seaman or apprentice, except such expenses as the master or owner of the ship is required by this Act to pay, shall be dealt with as wages of the seaman or apprentice.

*Distressed Seamen.*

**190 Regulations as to relief and maintenance of distressed seamen.**

The Board of Trade may make regulations with respect to the relief, maintenance, and sending home of seamen and apprentices found in distress abroad, and may, by those regulations (in this Act referred to as the distressed seamen regulations) make such conditions as they think fit with regard to that relief, maintenance, and sending home, and a seaman shall not have any right to be relieved, maintained, or sent home except in the cases and to the extent and on the conditions provided by those regulations.

**191 Provisions for maintenance and relief of distressed seamen.**

- (1) The following authorities, that is to say, governors of British possessions, British consular officers, and other officers of Her Majesty in foreign countries shall, and, in places where there are no such officers, any two resident British merchants, or if there is only one British merchant so resident that merchant, may in accordance with and on the conditions prescribed by the distressed seamen regulations, provide for the maintenance, until a passage home can be procured, of the following seamen and apprentices (who are in this Act included in the term distressed seamen); namely,—
  - (a) Seamen and apprentices to the sea service, whether subjects of Her Majesty or not, who by reason of having been discharged or left behind abroad or shipwrecked from any British ship, or any of Her Majesty's ships, are in distress in any place abroad; and
  - (b) Seamen and apprentices to the sea service, being subjects of Her Majesty, who have been engaged by any person acting either as principal or agent to serve in a ship belonging to the Government or to a subject or citizen of a foreign country, and are in distress in any place abroad.
- (2) For the purpose of providing a distressed seaman with a passage home, the authority shall put him on board a British ship bound either to the United Kingdom or to the British possession to which the seaman belongs (as the case requires), which is in want of men to make up its complement; or if there is no such ship, then the authority shall provide the seaman with a passage home as soon as possible in any ship, British or foreign, bound as aforesaid.
- (3) The authority shall endorse on the agreement with the crew of the ship, if a British ship, on board of which a distressed seaman is placed, the name of every person so placed on board with any particulars directed by the distressed seamen regulations to be endorsed.
- (4) The authority shall be paid in respect of the expenses of the maintenance and conveyance of distressed seamen such sums as the Board of Trade may allow, and those sums shall, on the production of the bills of disbursements, with the proper vouchers, be paid as herein-after provided.

**192 Masters of ships compelled to take distressed seamen.**

- (1) The master of every British ship so bound as aforesaid shall receive on board his ship, and afford a passage and maintenance to all distressed seamen whom he is required under this Act to take on board his ship, not exceeding one for every fifty tons burden, and shall during the passage provide every such distressed seaman with a proper berth or sleeping place, effectually protected against sea and weather.

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- (2) On the production of a certificate, signed by the authority by whose directions any such distressed seaman was received on board, specifying the number and names of the distressed seamen and the time when each of them was received on board, and on a declaration made by the master before a justice of the peace, and verified by the Registrar-General of Shipping and Seamen, stating the number of days during which each distressed seaman has received maintenance, and stating the full complement of his crew and the actual number of seamen and apprentices employed on board his ship, and every variation in that number, whilst the distressed seaman received maintenance, the master shall be entitled to be paid, in respect of the maintenance and passage of every seaman or apprentice so conveyed, maintained, and provided for by him, exceeding the number (if any) wanted to make up the complement of his crew, such sum per diem as the Board of Trade allow.
- (3) If any master of a British ship fails without reasonable cause to comply with this section in the case of any seaman or apprentice, he shall for each offence be liable to a fine not exceeding one hundred pounds.

### **193 Recovery of expenses of relief of distressed seamen.**

- (1) Where any expenses on account of any such distressed seaman or apprentice as follows; namely,—
- (a) any seaman or apprentice belonging to a British ship, who has been discharged or left behind abroad, without full compliance on the part of the master with the provisions in that behalf in this Act contained;
  - (b) a subject of Her Majesty, who has been engaged to serve in a ship belonging to the Government or to a subject or citizen of a foreign country,
- either for his maintenance, necessary clothing, conveyance home, or, in case of death, for his burial, or otherwise in accordance with this Act are incurred by or on behalf of the Crown, or are incurred by the Government of a foreign country, and repaid to that Government by or on behalf of the Crown, those expenses, together with the wages, if any, due to the seaman or apprentice, shall be a charge upon the ship, whether British or foreign, to which such distressed seaman or apprentice belonged, and shall be a debt to the Crown from the master of the ship, or from the owner of the ship for the time being, and also, if the ship be a foreign ship, from the person, whether principal or agent, who engaged the seaman or apprentice for service in the ship.
- (2) The debt, in addition to any fines which may have been incurred, may be recovered by the Board of Trade on behalf of the Crown either by ordinary process of law, or in the court and manner in which wages may be recovered by seamen.
- (3) In any proceeding for such recovery the production of the account (if any) of the expenses furnished in accordance with this Act or the distressed seamen regulations, and proof of payment of the expenses by or on behalf of the Board of Trade, shall be sufficient evidence that the expenses were incurred or repaid under this Act by or on behalf of the Crown.

### **194 Payment of expenses out of Mercantile Marine Fund.**

All expenses paid under this Act by or on behalf of the Crown for the relief of distressed seamen, shall be paid out of the Mercantile Marine Fund, and all sums received or recovered towards those expenses shall be carried to that fund.

*Volunteering into the Navy.*

**195 Seamen allowed to leave their ships in order to enter the Navy.**

- (1) A seaman may leave his ship for the purpose of forthwith entering the naval service of Her Majesty, and in that case shall not by reason of so leaving his ship be deemed to have deserted therefrom, or otherwise be liable to any punishment or forfeiture whatever.
- (2) A stipulation introduced into any agreement whereby a seaman is declared to incur a forfeiture or be exposed to a loss in case he enters the naval service of Her Majesty shall be void, and if a master or owner causes any such stipulation to be so introduced he shall for each offence be liable to a fine not exceeding twenty pounds.

**196 Money and effects of seamen volunteering into Navy.**

- (1) If a seaman, without having previously committed an act amounting to and treated by the master as desertion, leaves his ship in order to enter the naval service of Her Majesty, and is received into that service, the master shall deliver to him his effects on board the ship, and shall pay, subject to all just deductions, the proportionate amount of his wages down to the time of his entering Her Majesty's service, to the officer authorised to receive the seaman into that service, either in money or by bill drawn upon the owner, and payable at sight to the order of the Accountant-General of the Navy; and the receipt of that officer shall be a discharge for the money or bill so given ; and the bill shall be exempt from stamp duty.
- (2) If the master fails so to deliver the seaman's effects, or to pay his wages, as by this section required, he shall, in addition to his liability to deliver and pay the same, be liable for each offence to a fine not exceeding twenty pounds.
- (3) If any such bill be not duly paid when presented, the Accountant-General of the Navy or the seaman on whose behalf the bill is given, may sue thereon, or may recover the wages due by all or any of the means by which wages due to seamen are recoverable.

**197 Wages of seamen received into Navy.**

- (1) Where the wages of a seaman received into Her Majesty's naval service are paid in money, the money shall be credited in the ship's ledger to the account of the seaman.
- (2) Where the wages are paid by bill, the bill shall be noted in the ship's ledger, and sent to the Accountant-General of the Navy, who shall cause the same to be presented for payment, and shall credit the produce thereof to the account of the seaman.
- (3) An officer who receives any such bill shall not be subject to any liability in respect thereof, except for the safe custody thereof until sent to the Accountant-General as aforesaid.
- (4) The wages of the seaman shall not be paid to him until the time at which he would have been entitled to receive the same if he had remained in the service of the ship which he has quitted for the purpose of entering Her Majesty's service.
- (5) If the owner or master of the ship shows to the satisfaction of the Admiralty, that he has paid or properly rendered himself liable to pay, an advance of wages to or on account of the seaman, and has satisfied that liability, and that the seaman has not at the time of quitting his ship duly earned the advance by service therein, the Admiralty may

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pay to the owner or master so much of the advance as had not been duly earned, and deduct the sum so paid from any wages of the seaman earned or to be earned in the naval service of Her Majesty.

- (6) Where in consequence of a seaman so leaving his ship and entering Her Majesty's service, it becomes necessary for the safety and proper navigation of the ship to engage any substitute, and the wages or other remuneration paid to the substitute for subsequent service exceed the wages or remuneration which would have been payable to the seaman under his agreement for similar service, the master or owner of the ship may apply to the High Court for a certificate authorising the repayment of the excess, and the application shall be made and the certificate granted in accordance with rules of court.
- (7) The certificate shall be sent to the applicant or his solicitor or agent, and a copy thereof shall be sent to the Accountant-General of the Navy; and the Accountant-General shall, upon delivery to him of the original certificate together with a receipt in writing purporting to be a receipt from the applicant, pay to the person delivering the certificate, out of the moneys granted by Parliament for Navy services, the amount mentioned in the certificate; and the certificate and receipt shall absolutely discharge the Accountant-General and Her Majesty from all liability in respect of the moneys so paid or of the application thereof.
- (8) If any person in making or supporting any application under this section—
- (a) forges or fraudulently alters, or assists in forging or fraudulently altering, or procures to be forged or fraudulently altered, any document; or
  - (b) presents or makes use of any document so forged or fraudulently altered; or
  - (c) gives, assists in giving, or procures to be given, any false evidence, knowing the same to be false; or
  - (d) makes, assists in making, or procures to be made, any false representation, knowing the same to be false,

that person shall in respect of each offence be guilty of a misdemeanor.

*Provisions, Health, and Accommodation.*

**198 Complaints as to provisions or water.**

- (1) If three or more of the crew of a British ship consider that the provisions or water for the use of the crew are at any time of bad quality, unfit for use, or deficient in quantity, they may complain thereof to any of the following officers, namely, an officer in command of one of Her Majesty's ships, a British consular officer, a superintendent, or a chief officer of customs, and the officer may either examine the provisions or water complained of or cause them to be examined.
- (2) If the officer, or person making the examination, finds that the provisions or water are of bad quality and unfit for use, or deficient in quantity, he shall signify it in writing to the master of the ship, and if the master of the ship does not thereupon provide other proper provisions or water in lieu of any so signified to be of bad quality and unfit for use, or does not procure the requisite quantity of any provisions or water so signified to be deficient in quantity, or uses any provisions or water so signified to be of bad quality and unfit for use, he shall for each offence be liable to a fine not exceeding twenty pounds.

- (3) The officer directing, or the person making, the examination shall enter a statement of the result of the examination in the official log-book, and send a report thereof to the Board of Trade, and that report shall be admissible in evidence in manner provided by this Act.
- (4) If the said officer certifies in that statement that there was no reasonable ground for the complaint, each of the complainants shall be liable to forfeit to the owner out of his wages a sum not exceeding one week's wages.

### **199 Allowance for short or bad provisions.**

In either of the following cases ; (that is to say,)

- (i) if during a voyage the allowance of any of the provisions for which a seaman has by his agreement stipulated is reduced (except in accordance with any regulations for reduction by way of punishment contained in the agreement with the crew, and also except for any time during which the seaman wilfully and without sufficient cause refuses or neglects to perform his duty, or is lawfully under confinement for misconduct either on board or on shore); or
- (ii) if it is shown that any of those provisions are or have during the voyage been bad in quality and unfit for use;

the seaman shall receive, by way of compensation for that reduction, or bad quality, according to the time of its continuance, the following sums, to be paid to him in addition to, and to be recoverable as, wages; (that is to say,)

- (a) if his allowance is reduced by not more than one third of the quantity specified in the agreement, a sum not exceeding fourpence a day :
- (b) if his allowance is reduced by more than one third of that quantity, eightpence a day:
- (c) in respect of bad quality as aforesaid, a sum not exceeding one shilling a day :

But if it is shown to the satisfaction of the court before whom the case is tried that any provisions, the allowance of which has been reduced, could not be procured or supplied in proper quantities, and that proper and equivalent substitutes were supplied in lieu thereof, the court shall take those circumstances into consideration, and shall modify or refuse compensation as the justice of the case requires.

### **200 Regulations respecting medicines, anti-scorbutics, &c.**

- (1) The Board of Trade shall issue scales of medicines and medical stores suitable for different classes of ships and voyages, and shall also prepare or sanction books containing instructions for dispensing the same.
- (2) The owner of every ship navigating between the United Kingdom and any place out of the same shall provide and cause to be kept on board a supply of medicine and medical stores according to the scale appropriate to the ship, and also the said books or one of them.
- (3) The master or owner of every such ship, except in the case of—
  - (a) ships bound to European ports or ports in the Mediterranean Sea; and
  - (b) such ships or classes of ships bound to ports on the eastern coast of America, north of the thirty-fifth degree of north latitude, and to any islands or places in the Atlantic Ocean north of the same limit as the Board of Trade may exempt;

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shall provide and cause to be kept on board a sufficient quantity of anti-scorbutics in accordance with the regulations in the Fifth Schedule to this Act, and those regulations shall have effect as part of this section, and the master shall serve out the anti-scorbutics to the crew according to the said regulations, and if a seaman or apprentice refuses or neglects to take the anti-scorbutics when served out, that fact shall be entered in the official log-book, and the entry shall be signed by the master and by the mate or some other of the crew, and also by the medical practitioner on board if any.

- (4) If any requirement of this section with respect to the provision of medicines, medical stores, book of instruction, or anti-scorbutics is not complied with in the case of any ship, the owner or master of that ship shall, for each offence, be liable to a fine not exceeding twenty pounds, unless he can prove that the noncompliance was not caused through his inattention, neglect, or wilful default.
- (5) If any requirement of this section with respect to the serving out of anti-scorbutics or making an entry in the official log-book is not complied with in the case of any ship to which the requirement applies, the master of the ship shall, for each offence, be liable to a fine not exceeding five pounds, unless he can prove that the non-compliance did not arise through any neglect, omission, or wilful default on his part.
- (6) If it is proved that some person, other than the master or owner, is in default in any case under this section, that person shall, for each offence, be liable to a fine not exceeding twenty pounds.
- (7) If any person manufactures, sells, or keeps, or offers for sale any medicines or medical stores for use on board ship which are of bad quality, he shall, for each offence, be liable to a fine not exceeding twenty pounds.

## **201 Weights and measures on board.**

- (1) The master of a ship shall keep on board proper weights and measures for determining the quantities of the several provisions and articles served out, and shall allow the same to be used at the time of serving out the provisions and articles in the presence of a witness whenever any dispute arises about the quantities.
- (2) If the master of a ship fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding ten pounds.

## **202 Inspection of medicines, medical stores, and anti-scorbutics.**

- (1) It shall be the duty of the medical inspector of ships for the port appointed under this Part of this Act to inspect the medicines, medical stores, and anti-scorbutics with which a ship is required by this Part of this Act to be provided.
- (2) For the purpose of that inspection a medical inspector of ships shall have all the powers of a Board of Trade inspector under this Act, and shall act, if appointed by a local marine board, under the direction of that board (except in special cases in which the Board of Trade require an inspection to be made), and, if appointed by the Board of Trade, under the direction of the Board of Trade.
- (3) The medical inspector of ships shall make his inspection three clear days at least before the ship proceeds to sea, if reasonable notice in writing for the purpose is given to him by the master, owner, or consignee, and, where the result of the inspection is satisfactory, shall not make another inspection before the ship proceeds to sea, unless



he has reason to suspect that any of the articles inspected have been subsequently removed, injured, or destroyed.

- (4) If the medical inspector of ships is of opinion that the articles inspected are deficient in quantity or quality, or are placed in improper vessels, he shall give notice in writing to the chief officer of customs of the port where the ship is lying, and also to the master, owner, or consignee thereof, and the master of the ship before proceeding to sea shall produce to the chief officer of customs a certificate under the hand of the same or some other medical inspector of ships, that the default found by the inspector has been remedied, and if that certificate is not so produced, the ship shall be detained until the certificate is produced and if the ship proceeds to sea, the owner, master, or consignee of the ship shall, for each offence, be liable to a fine not exceeding twenty pounds.

### **203 Medical inspection of seamen.**

- (1) A medical inspector of seamen appointed under this Part of this Act shall, on application by the owner or master of any ship, examine any seaman applying for employment in that ship, and give to the superintendent a report under his hand stating whether the seaman is in a fit state for duty at sea, and a copy of the report shall be given to the master or owner.
- (2) The applicant for that medical examination shall pay to the superintendent such fees as the Board of Trade direct, and those fees shall be paid into the Mercantile Marine Fund.

### **204 Appointment of medical inspector.**

- (1) The local marine board at a port may, upon being required by the Board of Trade to do so, appoint and remove a medical inspector of ships for the port, and subject to the control of the Board of Trade may fix his remuneration, and at any port where there is no local marine board, the Board of Trade may appoint and remove a medical inspector of ships and may fix his remuneration.
- (2) The local marine board and at a port where there is no such local marine board the Board of Trade, may appoint and remove a medical inspector of seamen, and that inspector shall be paid out of the mercantile marine fund such remuneration as the Board of Trade direct.

### **205 Appointment of medical inspector, and regulations as to supply of anti-scorbutics in colonies.**

The governor of a British possession shall have the power in that possession—

- (a) of appointing medical inspectors of seamen, of charging fees for medical examinations by those inspectors, and of determining the remuneration to be paid to those inspectors; and,
- (b) subject to the laws of that possession, to make regulations concerning the supply in that possession of anti-scorbutics for the use of ships, and anti-scorbutics duly supplied in accordance with those regulations shall be deemed to be fit and proper for the use of ships.

**206 Inspection of provisions and water for crew of certain ships.**

- (1) In the case of ships trading or going from any port of the United Kingdom through the Suez Canal, or round the Cape of Good Hope or Cape Horn, the barrels of beef and pork, the preserved meat and vegetables in tins, and the casks of flour or biscuits, intended for the use of the crew of any such ship shall be inspected by such officer and in such manner as rules under this section direct, but before shipment whenever practicable, and, if in the opinion of the inspecting officer they are fit for that use, that officer shall certify the same accordingly in manner directed by such rules.
- (2) The inspecting officer may at any time proceed on board any such ship to ascertain whether the stores and water provided have been duly inspected, or, if not, whether they are of a quality fit for the use of the crew of the ship, and if he finds the same not to have been inspected, and to be deficient in quality, the ship shall be detained until the defects are remedied to his satisfaction.
- (3) No fee for an inspection under this section shall be levied on the ship.
- (4) The Board of Trade may make rules for carrying into effect this section, but all such rules shall be laid before Parliament within three weeks after they are made, if Parliament be then sitting, and if Parliament be not then sitting, within three weeks after the beginning of the then next meeting of Parliament, and shall not come into operation until they have lain for forty days before both Houses of Parliament during the session of Parliament.
- (5) The Board of Trade may appoint officers for the purposes of any inspection under this section, and may, with the concurrence of the Treasury, assign them remuneration to be paid out of moneys provided by Parliament.

**207 Expenses of medical attendance in case of illness.**

- (1) If the master of, or a seaman or apprentice belonging to, a ship receives any hurt or injury in the service of the ship, the expense of providing the necessary surgical and medical advice and attendance and medicine, and also the expenses of the maintenance of the master, seaman, or apprentice until he is cured, or dies, or is brought back, if shipped in the United Kingdom, to a port of the United Kingdom, or if shipped in a British possession to a port of that possession, and of his conveyance to the port, and in case of death the expense (if any) of his burial, shall be defrayed by the owner of the ship, without any deduction on that account from his wages.
- (2) If the master or a seaman or apprentice is on account of any illness temporarily removed from his ship for the purpose of preventing infection, or otherwise for the convenience of the ship, and subsequently returns to his duty, the expense of the removal and of providing the necessary advice and attendance and medicine and of his maintenance while away from the ship shall be defrayed in like manner.
- (3) The expense of all medicines, surgical and medical advice, and attendance, given to a master, seaman, or apprentice whilst on board his ship shall be defrayed in like manner.
- (4) If a seaman or apprentice is ill and has, through the neglect of the master or owner of the ship, not been provided with proper provisions and water according to his agreement, or with such medicines, medical stores, anti-scorbutics, or accommodation, as are required by this Act, then the owner or master, unless it can be proved that the illness has been produced by other causes, shall be liable to pay all expenses (not exceeding on the whole three months wages) properly and necessarily incurred by reason of the

illness either by the seaman himself or by the Crown or any parochial or local authority on his behalf, and those expenses may be recovered as if they were wages duly earned, but this provision shall not affect any further liability of the master or owner for the neglect, or any other remedies possessed by the seaman or apprentice.

- (5) In all other cases any reasonable expenses duly incurred by the owner for any seaman in respect of illness, and also any reasonable expenses duly incurred by the owner in respect of the burial of any seaman or apprentice who dies whilst on service, shall, if duly proved, be deducted from the wages of the seaman or apprentice.

## **208 Recovery of expenses from owner.**

- (1) If any of the expenses attendant on the illness, hurt, or injury of a seaman or apprentice, which are to be paid under this Act by the master or owner, are paid by any British consular officer or other person on behalf of the Crown, or if any other expenses in respect of the illness, hurt, or injury of any seaman or apprentice whose wages are not accounted for under this Act to that officer, are so paid, those expenses shall be repaid to the officer or other person by the master of the ship.
- (2) If the expenses are not so repaid, the amount thereof shall with costs be a charge upon the ship, and be recoverable from the master or from the owner of the ship for the time being, as a debt to the Crown, either by ordinary process of law or in the same court and manner as wages due to seamen.
- (3) In any proceeding for such recovery, a certificate of the facts, signed by the said officer or other person, together with such vouchers (if any) as the case requires, shall be sufficient proof that the said expenses were duly paid by that officer or other person.

## **209 Certain ships to carry medical practitioners.**

- (1) Every foreign-going ship, having one hundred persons or upwards on board, shall carry on board as part of her complement some duly qualified medical practitioner, and if she does not the owner shall for every voyage of the ship made without a duly qualified medical practitioner be liable to a fine not exceeding one hundred pounds.
- (2) Nothing in this section shall apply to an emigrant ship within the meaning of the Third Part of this Act.

## **210 Accommodation for seamen.**

- (1) Every place in any British ship occupied by seamen or apprentices, and appropriated to their use, shall have for each of those seamen or apprentices a space of not less than seventy-two cubic feet, and of not less than twelve superficial feet measured on the deck or floor of that place, and shall be subject to the regulations in the Sixth Schedule to this Act, and those regulations shall have effect as part of this section, and if any of the foregoing requirements of this section is not complied with in the case of any ship, the owner of the ship shall for each offence be liable to a fine not exceeding twenty pounds.
- (2) Every place so occupied and appropriated shall be kept free from goods and stores of any kind not being the personal property of the crew in use during the voyage, and if any such place is not so kept free, the master shall forfeit and pay to each seaman or apprentice lodged in that place the sum of one shilling for each day during which,

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after complaint has been made to him by any two or more of the seamen so lodged, it is not so kept free.

- (3) Such fees as the Board of Trade fix shall be paid in respect of an inspection for the purposes of this section, not exceeding the fees specified in the Sixth Schedule to this Act.

*Facilities for making Complaint.*

**211 Facilities for making complaint.**

- (1) If a seaman or apprentice whilst on board ship states to the master of the ship his desire to make a complaint to a justice of the peace, British consular officer, or officer in command of one of Her Majesty's ships, against the master or any of the crew, the master shall, so soon as the service of the ship will permit,—
- (a) if the ship is then at a place where there is such a justice or officer as aforesaid, after such statement, and
  - (b) if the ship is not then at such a place, after her first arrival at such a place,
- allow the complainant to go ashore or send him ashore in proper custody, or, in the case of complaint to a naval officer, to the ship of such officer, so that he may be enabled to make his complaint.
- (2) If the master of a ship fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding ten pounds.

*Protection of Seamen from Imposition.*

**212 Assignment or sale of salvage invalid.**

Subject to the provisions of this Act an assignment or sale of salvage payable to a seaman or apprentice to the sea service made prior to the accruing thereof shall not bind the person making the same ; and a power of attorney or authority for the receipt of any such salvage shall not be irrevocable.

**213 No debt exceeding 5s. recoverable till end of voyage.**

A debt exceeding in amount five shillings incurred by any seaman after he is engaged to serve shall not be recoverable until the service agreed for is concluded.

**214 Seamen's lodging-houses.**

- (1) A local authority herein-after mentioned whose district includes a seaport may, with the approval of the Board of Trade, make byelaws relating to seamen's lodging-houses in their district, and those byelaws shall be binding upon all persons keeping houses in which seamen are lodged and upon the owners thereof and persons employed therein.
- (2) The byelaws shall- amongst other things provide for the licensing, inspection, and sanitary conditions of seamen's lodging-houses, for the publication of the fact of a house being licensed, for the due execution of the byelaws, for preventing the obstruction of persons engaged in securing that execution, for the preventing of persons not duly licensed holding themselves out as keeping or purporting to keep licensed houses, and for the exclusion from licensed houses of persons of improper

character, and shall impose sufficient fines not exceeding fifty pounds for the breach of any byelaw.

- (3) The byelaws shall come into force from a date therein named, and shall be published in the London Gazette and in one newspaper at the least circulating in the district, and designated by the Board of Trade.
- (4) If the local authority do not within a time in each case named by the Board of Trade make, revoke, or alter, any byelaws under this section, the Board of Trade may do so.
- (5) Whenever Her Majesty in Council orders that in any district or any part thereof none but persons duly licensed in pursuance of byelaws under this section shall keep seamen's lodging-houses or let lodgings to seamen from a date therein named, a person acting in contravention of that order shall for each offence be liable to a fine not exceeding one hundred pounds.
- (6) A local authority may defray all expenses incurred in the execution of this section out of any funds at their disposal as sanitary authority, and fines recovered for a contravention of this section or of any byelaw under this section shall be paid to such authority and added to those funds.
- (7) In this section the expression " local authority " means in the administrative county of London the county council, and elsewhere in England the local authority under the Public Health Acts, and in Scotland the local authority under the Public Health (Scotland) Act, 1867, and the Acts amending the same, and in Ireland the local authority under the Public Health (Ireland) Act, 1878, and the expression " district " means the area under the authority of such local authority.

#### **215 Penalty for overcharges by lodging-house keepers.**

If a person demands or receives from a seaman or apprentice to the sea service payment in respect of his board or lodging in the house of that person for a longer period than the seaman or apprentice has actually resided or boarded therein, that person shall for each offence be liable to a fine not exceeding ten pounds.

#### **216 Penalty for detaining seamen's effects.**

- (1) If a person receives or takes into his possession or under his control any money or effects of a seaman or apprentice to the sea service, and does not return the same or pay the value thereof, when required by the seaman or apprentice, subject to such deduction as may be justly due to him from the seaman or apprentice in respect of board or lodging or otherwise, or absconds therewith, he shall for each offence be liable to a fine not exceeding ten pounds.
- (2) A court of summary jurisdiction may, besides inflicting a fine, by summary order direct the amount of the money, or the value of the effects, subject to such deduction as aforesaid (if any), or the effects themselves, to be forthwith paid or delivered to the seaman or apprentice.

#### **217 Penalty for solicitations by lodging-house keepers.**

If within twenty-four hours after the arrival of a ship at a port in the United Kingdom, a person then being on board the ship solicits a seaman to become a lodger at the house of a person letting lodgings for hire, or takes out of the ship any effects of a

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seaman, except under the personal direction of the seaman, and with the permission of the master, he shall for each offence be liable to a fine not exceeding five pounds.

**218 Penalty for being on board ship without permission before seamen leave.**

Where a ship is about to arrive, is arriving, or has arrived at the end of her voyage, and any person, not being in Her Majesty's service or not being duly authorised by law for the purpose,—

- (a) goes on board the ship, without the permission of the master, before the seamen lawfully leave the ship at the end of their engagement, or are discharged (whichever last happens); or,
- (b) being on board the ship, remains there after being warned to leave by the master, or by a police officer, or by any officer of the Board of Trade or of the customs,

that person shall for each offence be liable to a fine not exceeding twenty pounds, or, at the discretion of the court, to imprisonment for any term not exceeding six months; and the master of the ship or any officer of the Board of Trade may take him into custody, and deliver him up forthwith to a constable to be taken before a court capable of taking cognizance of the offence.

**219 Application of provisions of previous section to foreign ships.**

Whenever it is made to appear to Her Majesty that the Government of a foreign country—

- (a) has provided that unauthorised persons going on board British ships which are about to arrive or have arrived within its territorial jurisdiction shall be subject to provisions similar to those of the last preceding section which are applicable to persons going on board British ships at the end of their voyages; and
- (b) is desirous that the provisions of the said section shall apply to unauthorised persons going on board ships of that foreign country within British territorial jurisdiction,

Her Majesty in Council may order that those provisions shall apply to the ships of that foreign country, and have effect as if the ships of that country arriving, about to arrive, or having arrived at the end of their voyage, were British ships.

*Provisions as to Discipline.*

**220 Misconduct endangering life or ship.**

If a master, seaman, or apprentice belonging to a British ship, by wilful breach of duty or by neglect of duty or by reason of drunkenness,—

- (a) does any act tending to the immediate loss, destruction, or serious damage of the ship, or tending immediately to endanger the life or limb of a person belonging to or on board the ship ; or
- (b) refuses or omits to do any lawful act proper and requisite to be done by him for preserving the ship from immediate loss, destruction, or serious damage, or for preserving any person belonging to or on board the ship from immediate danger to life or limb,

he shall in respect of each offence be guilty of a misdemeanor.

## **221 Desertion and absence without leave.**

If a seaman lawfully engaged, or an apprentice to the sea service, commits any of the following offences he shall be liable to be punished summarily as follows :—

- (a) If he deserts from his ship he shall be guilty of the offence of desertion and be liable to forfeit all or any part of the effects he leaves on board, and of the wages which he has then earned, and also, if the desertion takes place abroad, of the wages he may earn in any other ship in which he may be employed until his next return to the United Kingdom, and to satisfy any excess of wages paid by the master or owner of the ship to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him ; and also, except in the United Kingdom, he shall be liable to imprisonment for any period not exceeding twelve weeks with or without hard labour;
- (b) If he neglects, or refuses without reasonable cause, to join his ship, or to proceed to sea in his ship, or is absent without leave at any time within twenty-four hours of the ship's sailing from a port, either at the commencement or during the progress of a voyage, or is absent at any time without leave and without sufficient reason from his ship or from his duty, he shall, if the offence does not amount to desertion, or is not treated as such by the master, be guilty of the offence of absence without leave, and be liable to forfeit out of his wages a sum not exceeding two days pay, and in addition for every twenty-four hours of absence, either a sum not exceeding six days pay, or any expenses properly incurred in hiring a substitute ; and also, except in the United Kingdom, he shall be liable to imprisonment for any period not exceeding ten weeks with or without hard labour.

## **222 Conveyance of deserter on board ship.**

- (1) If in the United Kingdom a seaman or apprentice is guilty of the offence of desertion or of absence without leave, or otherwise absents himself from his ship without leave, the muster, any mate, the owner, ship's husband, or consignee of the ship, may, with or without the assistance of the local police officers or constables, convey him on board his ship, and those officers and constables are hereby directed to give assistance if required:
- (2) Provided that if the seaman or apprentice so requires he shall first be taken before some court capable of taking cognizance of the matter to be dealt with according to law.
- (3) If it appears to the court before whom the case is brought that the seaman or apprentice has been conveyed on board or taken before the court on improper or insufficient grounds, that court may inflict on the master, mate, owner, ship's husband, or consignee, as the case may be, a fine not exceeding twenty pounds; but the infliction of that fine shall be a bar to any action for false imprisonment in respect of the arrest.

## **223 Provisions as to arrest and imprisonment applying out of the United Kingdom.**

- (1) If out of the United Kingdom, either at the commencement or during the progress of any voyage, a seaman or apprentice is guilty of the offence of desertion or of absence without leave, or otherwise absents himself from his ship without leave, the master, any mate, the owner, ship's husband, or consignee, may in any place in Her Majesty's dominions out of the United Kingdom, with or without the assistance of the local police officers or constables (and those officers and constables are hereby directed to give assistance if required), and also at any place out of Her Majesty's dominions,

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if and so far as the laws in force at that place will permit, arrest him without first procuring a warrant.

- (2) A person so arresting a seaman or apprentice may in any case, and shall in case the seaman or apprentice so requires and it is practicable, convey him before some court capable of taking cognizance of the matter, to be dealt with according to law, and for that purpose may detain him in custody for a period not exceeding twenty-four hours, or such shorter time as may be necessary ; but if the seaman or apprentice does not require to be so taken before a court, or if there is no such court at or near the place, the person arresting him may at once convey him on board his ship.
- (3) If it appears to the court before whom the case is brought that an arrest under this section has been made on improper or on insufficient grounds, the master, mate, owner, ship's husband, or consignee who made the arrest, or caused it to be made, shall be liable to a fine not exceeding twenty pounds ; but the infliction of that fine shall be a bar to any action for false imprisonment in respect of the arrest.
- (4) If out of the United Kingdom, a seaman or apprentice is imprisoned for having been guilty of the offence of desertion or of absence without leave, or for having committed any other breach of discipline, and during his imprisonment and before his engagement is at an end, his services are required on board his ship, a justice of the peace may, on the application of the master or of the owner or his agent, notwithstanding that the period of imprisonment is not at an end, cause the seaman or apprentice to be conveyed on board his ship for the purpose of proceeding on the voyage, or to be delivered to the master or any mate of the ship, or to the owner or his agent, to be by them so conveyed.

#### **224 Power of court to order offender to be taken on board ship.**

- (1) Where a seaman or apprentice is brought before a court on the ground of the offence of desertion, or of absence without leave, or of otherwise absenting himself without leave, the court, if the master or the owner or his agent so require, may (and if out of the United Kingdom in lieu of committing him to prison), cause him to be conveyed on board his ship for the purpose of proceeding on the voyage or deliver him to the master, or any mate of the ship, or the owner, or his agent, to be by them so conveyed, and may in such case order any costs and expenses properly incurred by or on behalf of the master or owner by reason of the offence to be paid by the offender, and, if necessary, to be deducted from any wages which he has then earned, or by virtue of his then existing engagement may afterwards earn.
- (2) If in the United Kingdom a seaman or apprentice to the sea service intends to absent himself from his ship or his duty, he may give notice of his intention, either to the owner or to the master of the ship, not less than forty-eight hours before the time at which he ought to be on board his ship : and in the event of that notice being given, the court shall not exercise any of the powers conferred by this section for causing the offender to be conveyed on board his ship.

#### **225 General offences against discipline.**

- (1) If a seaman lawfully engaged or an apprentice to the sea service commits any of the following offences, in this Act referred to as offences against discipline, he shall be liable to be punished summarily as follows ; (that is to say,)
  - (a) If he quits the ship without leave after her arrival at her port of delivery, and before she is placed in security, he shall be liable to forfeit out of his wages a sum not exceeding one month's pay:



- (b) If he is guilty of wilful disobedience to any lawful command, he shall be liable to imprisonment for a period not exceeding four weeks, and also, at the discretion of the court, to forfeit out of his wages a sum not exceeding two days pay:
- (c) If he is guilty of continued wilful disobedience to lawful commands or continued wilful neglect of duty, he shall be liable to imprisonment for a period not exceeding twelve weeks, and also, at the discretion of the court, to forfeit for every twenty-four hours continuance of disobedience or neglect, either a sum not exceeding six days pay, or any expenses properly incurred in hiring a substitute:
- (d) If he assaults the master or any mate or certificated engineer of the ship, he shall be liable to imprisonment for a period not exceeding twelve weeks:
- (e) If he combines with any of the crew to disobey lawful commands, or to neglect duty, or to impede the navigation of the ship or the progress of the voyage, he shall be liable to imprisonment for a period not exceeding twelve weeks :
- (f) If he wilfully damages his ship, or embezzles or wilfully damages any of her stores or cargo, he shall be liable to forfeit out of his wages a sum equal to the loss thereby sustained, and also, at the discretion of the court, to imprisonment for a period not exceeding twelve weeks :
- (g) If he is convicted of any act of smuggling, whereby loss or damage is occasioned to the master or owner of the ship, he shall be liable to pay to that master or owner a sum sufficient to reimburse the loss or damage ; and the whole or a proportionate part of his wages may be retained in satisfaction or on account of that liability, without prejudice to any further remedy.

(2) Any imprisonment under this section may be with or without hard labour.

## **226 Summary remedies not to affect other remedies.**

Nothing in the last preceding section or in the sections relating to the offences of desertion or absence without leave shall take away or limit any remedy by action or by summary procedure before justices which an owner or master would but for those provisions have for any breach of contract in respect of the matters constituting an offence under those sections, but an owner or master shall not be compensated more than once in respect of the same damage.

## **227 Penalty for false statement as to last ship or name.**

- (1) If a seaman on or before being engaged wilfully and fraudulently makes a false statement of the name of his last ship or alleged last ship, or wilfully and fraudulently makes a false statement of his own name, he shall for each offence be liable to a fine not exceeding five pounds.
- (2) The fine may be deducted from any wages the seaman may earn by virtue of his engagement as aforesaid, and shall, subject to reimbursement of the loss and expenses (if any) occasioned by any desertion previous to the engagement, be paid and applied in the same manner as other fines under this Act.

**228 Entry of offences in official log.**

If any offence, within the meaning of this Act, of desertion or absence without leave or against discipline is committed, or if any act of misconduct is committed for which the offender's agreement imposes a fine and it is intended to enforce the fine,

- (a) an entry of the offence or act shall be made in the official log-book, and signed by the master and also by the mate or one of the crew ; and
- (b) the offender, if still in the ship, shall before the next subsequent arrival of the ship at any port, or if she is at the time in port before her departure therefrom, either be furnished with a copy of the entry or have the same read over distinctly and audibly to him, and may thereupon make such reply thereto as he thinks fit; and
- (c) a statement of a copy of the entry having been so furnished, or of the entry having been so read over, and, in either case, the reply (if any) made by the offender, shall likewise be entered and signed in manner aforesaid ; and
- (d) in any subsequent legal proceeding the entries by this section required shall, if practicable, be produced or proved, and in default of that production or proof the court hearing the case may, in their discretion, refuse to receive evidence of the offence or act of misconduct.

**229 Entries and certificates of desertion abroad.**

- (1) In every case of desertion from a ship in any port abroad the master shall produce the entry of the desertion in the official log-book to the person by this Act authorised to grant certificates for leaving seamen behind abroad; and that person shall thereupon make and certify a copy of the entry.
- (2) The copy shall be forthwith transmitted to the Registrar-General of Shipping and Seamen in England by the person by whom the copy is made and certified, if he is a public functionary, and if he is not, by the master, and shall be admissible in evidence in manner provided by this Act.

**230 Register of deserters.**

A superintendent shall keep at his office a list of the seaman who, to the best of his knowledge and belief, have deserted or failed to join their ships after signing an agreement to proceed to sea in them, and shall on request show the list to a master of a ship, and shall not be liable in respect of any entry made in good faith in the list.

**231 Facilities for proving desertion in proceedings for forfeiture of wages.**

- (1) Whenever a question arises whether the wages of any seaman or apprentice are forfeited for desertion from a ship, it shall be sufficient for the person insisting on the forfeiture to show that the seaman or apprentice was duly engaged in or belonged to the ship, and either that he left the ship before the completion of the voyage or engagement, or, if the voyage was to terminate in the United Kingdom and the ship has not returned, that he is absent from her, and that an entry of his desertion has been duly made in the official log-book.
- (2) The desertion shall thereupon, so far as relates to any forfeiture of wages under this Part of this Act, be deemed to be proved, unless the seaman or apprentice can produce a proper certificate of discharge, or can otherwise show to the satisfaction of the court that he had sufficient reasons for leaving his ship.

### **232 Application of forfeitures.**

- (1) Where any wages or effects are under this Act forfeited for desertion from a ship, those effects may be converted into money, and those wages and effects, or the money arising from the conversion of the effects, shall be applied towards reimbursing the expenses caused by the desertion to the master or owner of the ship, and subject to that reimbursement shall be paid into the Exchequer, and carried to the Consolidated Fund.
- (2) For the purpose of such reimbursement, the master or the owner, or his agent may, if the wages are earned subsequently to the desertion, recover them in the same manner as the deserter could have recovered them if not forfeited; and the court in any legal proceeding relating to such wages may order them to be paid accordingly.
- (3) Where wages are forfeited under the foregoing provisions of this Act in any case other than for desertion, the forfeiture shall, in the absence of any specific provision to the contrary, be for the benefit of the master or owner by whom the wages are payable.

### **233 Decision of questions of forfeiture and deductions in suits for wages.**

Any question concerning the forfeiture of or deductions from the wages of a seaman or apprentice may be determined in any proceeding lawfully instituted with respect to those wages, notwithstanding that the offence in respect of which the question arises, though by this Act made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding.

### **234 Ascertainment of amount of forfeiture out of wages.**

If a seaman contracts for wages by the voyage or by the run or by the share, and not by the month or other stated period of time, the amount of forfeiture to be incurred under this Act shall be an amount bearing the same proportion to the whole wages or share, as a month or any other period herein-before mentioned in fixing the amount of such forfeiture (as the case may be) bears to the whole time spent in the voyage or run ; and if the whole time spent in the voyage or run does not exceed the period for which the pay is to be forfeited, the forfeiture shall extend to the whole wages or share.

### **235 Deduction from wages, and payments to superintendents, &c of fines.**

- (1) Every fine imposed on a seaman for any act of misconduct for which his agreement imposes a fine shall be deducted and paid as follows ; (that is to say,
  - (a) If the offender is discharged in the United Kingdom, and the offence, and the entry in the log-book required by this Act in respect thereof, are proved to the satisfaction, in the case of a foreign-going ship, of the superintendent before whom the offender is discharged, and in the case of a home trade ship of the superintendent at or nearest the port at which the crew are discharged, the master or owner shall deduct the fine from the wages of the offender, and pay it to the superintendent;
  - (b) If the offender enters Her Majesty's naval service or is discharged abroad before the final discharge of the crew in the United Kingdom, and the offence and the entry as aforesaid are proved to the satisfaction of the officer in command of the ship he so enters, or of the consular officer or other person by whose sanction he is discharged, as the case may be, the fine shall be deducted as aforesaid and an entry made in the official log-book of the ship and signed by the officer or other person to whose satisfaction the offence is proved ; and

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- (c) On the return of the ship to the United Kingdom the master or owner shall pay the fine to the superintendent before whom the crew is discharged or in the case of a home trade ship to the superintendent at or nearest the port at which the crew are discharged.
- (2) If a master or owner fails without reasonable cause so to pay the fine, he shall for each offence be liable to a fine not exceeding six times the amount of the fine not so paid.
- (3) An act of misconduct for which any fine has been inflicted and paid by, or deducted from the wages of, the seaman shall not be otherwise punished under this Act.

**236 Penalty for enticing to desert and harbouring deserters.**

- (1) If a person by any means whatever persuades or attempts to persuade a seaman or apprentice to neglect or refuse to join or proceed to sea in or to desert from his ship, or otherwise to absent himself from his duty, he shall for each offence in respect of each seaman or apprentice be liable to a fine not exceeding ten pounds.
- (2) If a person wilfully harbours or secretes a seaman or apprentice who has wilfully neglected or refused to join, or has deserted, from his ship, knowing or having reason to believe the seaman or apprentice to have so done, he shall for every seaman or apprentice so harboured or secreted be liable to a fine not exceeding twenty pounds.

**237 Penalty on stowaways, and discipline of stowaways and seamen carried under compulsion.**

- (1) If a person secretes himself and goes to sea in a ship without the consent of either the owner, consignee, or master, or of a mate, or of the person in charge of the ship, or of any other person entitled to give that consent, he shall be liable to a fine not exceeding twenty pounds, or, in the discretion of the court, to imprisonment, with or without hard labour, for a period not exceeding four weeks.
- (2) Every seafaring person whom the master of a ship is, under the authority of this or any other Act compelled to take on board and convey, and every person who goes to sea in a ship without such consent as aforesaid, shall, so long as he remains in the ship, be deemed to belong to the ship, and be subject to the same laws and regulations for preserving discipline, and to the same fines and punishments for offences constituting or tending to a breach of discipline, as if he were a member of, and had signed the agreement with, the crew.

**238 Deserters from foreign ships.**

- (1) Where it appears to Her Majesty that due facilities are or will be given by the government of any foreign country for recovering and apprehending seamen who desert from British merchant ships in that country, Her Majesty may, by Order in Council stating that such facilities are or will be given, declare that this section shall apply in the case of such foreign country, subject to any limitations, conditions, and qualifications contained in the Order.
- (2) Where this section applies in the case of any foreign country, and a seaman or apprentice, not being a slave, deserts when within any of Her Majesty's dominions from a merchant ship belonging to a subject of that country, any court, justice, or officer that would have had cognizance of the matter if the seaman or apprentice had deserted from a British ship shall, on the application of a consular officer of the foreign

country, aid in apprehending the deserter, and for that purpose may, on information given on oath, issue a warrant for his apprehension, and, on proof of the desertion, order him to be conveyed on board his ship or delivered to the master or mate of his ship, or to the owner of the ship or his agent, to be so conveyed; and any such warrant or order may be executed accordingly.

- (3) If any person harbours or secretes any deserter liable to be apprehended under this section, knowing or having reason to believe that he has deserted, that person shall for each offence be liable to a fine not exceeding ten pounds.

### *Official Logs.*

#### **239 Official logs to be kept and to be evidence.**

- (1) An official log shall be kept in every ship (except ships employed exclusively in trading between ports on the coasts of Scotland) in the appropriate form for that ship approved by the Board of Trade.
- (2) The Board of Trade shall approve forms of official logbooks, which may be different for different classes of ships, so that each such form shall contain proper spaces for the entries required by this Act.
- (3) The official log may, at the discretion of the master or owner, be kept distinct from, or united with, the ordinary ship's log, so that in all cases the spaces in the official log-book be duly filled up.
- (4) An entry required by this Act in an official log-book shall be made as soon as possible after the occurrence to which it relates, and if not made on the same day as that occurrence shall be made and dated so as to show the date of the occurrence and of the entry respecting it; and if made in respect of an occurrence happening before the arrival of the ship at her final port of discharge shall not be made more than twenty-four hours after that arrival.
- (5) Every entry in the official log-book shall be signed by the master, and by the mate, or some other of the crew, and also
  - (a) if it is an entry of illness, injury, or death, shall be signed by the surgeon, or medical practitioner on board (if any); and
  - (b) if it is an entry of wages due to, or of the sale of the effects of, a seaman or apprentice who dies, shall be signed by the mate and by some member of the crew besides the master; and
  - (c) if it is an entry of wages due to a seaman who enters Her Majesty's naval service, shall be signed by the seaman, or by the officer authorised to receive the seaman into that service.
- (6) Every entry made in an official log-book in manner provided by this Act, shall be admissible in evidence.

#### **240 Entries required in official log-book.**

The master of a ship for which an official log is required shall enter or cause to be entered in the official log-book the following matters ; (that is to say,)

- (1) Every conviction by a legal tribunal of a member of his crew, and the punishment inflicted :

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- (2) Every offence committed by a member of his crew for which it is intended to prosecute, or to enforce a forfeiture, or to exact a fine, together with such statement concerning the copy or reading over of that entry, and concerning the reply (if any) made to the charge, as is by this Act required :
- (3) Every offence for which punishment is inflicted on board, and the punishment inflicted :
- (4) A statement of the conduct, character, and qualifications of each of his crew, or a statement that he declines to give an opinion on those particulars :
- (5) Every case of illness or injury happening to a member of the crew, with the nature thereof, and the medical treatment adopted (if any) :
- (6) Every marriage taking place on board with the names and ages of the parties:
- (7) The name of every seaman or apprentice who ceases to be a member of the crew, otherwise than by death, with the place, time, manner, and cause thereof:
- (8) The wages due to any seaman who enters Her Majesty's naval service during the voyage:
- (9) The wages due to any seaman or apprentice who dies during the voyage, and the gross amount of all deductions to be made therefrom :
- (10) The sale of the effects of any seaman or apprentice who dies during the voyage, including a statement of each article sold, and the sum received for it:
- (11) Every collision with any other ship, and the circumstances under which the same occurred : and
- (12) Any other matter directed by this Act to be entered.

#### **241 Offences in respect of official logs.**

- (1) If an official log-book is not kept in the manner required by this Act, or if an entry directed by this Act to be made therein is not made at the time and in the manner directed by this Act, the master shall for each offence be liable to the specific fine in this Act mentioned in respect thereof, or where there is no such specific fine, to a fine not exceeding five pounds.
- (2) If any person makes, or procures to be made, or assists in making, any entry in an official log-book in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge more than twenty-four hours after that arrival, he shall for each offence be liable to a fine not exceeding thirty pounds.
- (3) If any person wilfully destroys or mutilates or renders illegible any entry in an official log-book, or wilfully makes or procures to be made or assists in making a false or fraudulent entry in or omission from an official log-book, he shall in respect of each offence be guilty of a misdemeanor.

#### **242 Delivery of official logs to superintendent of mercantile marine office.**

- (1) The master of every foreign-going ship shall, within forty-eight hours after the ship's arrival at her final port of destination in the United Kingdom or upon the discharge of

the crew, whichever first happens, deliver the official log-book of the voyage to the superintendent before whom the crew is discharged.

- (2) The master or owner of every home trade ship for which an official log is required to be kept shall, within twenty-one days of the thirtieth day of June and the thirty-first day of December in every year, transmit or deliver the official log-book for the preceding half year to some superintendent in the United Kingdom.
- (3) If the master or owner of a ship fails without reasonable cause to comply with this section, he shall be subject to the same consequences and liabilities to which he is subject for the non-delivery of the list of the crew required to be delivered under this Part of this Act.

#### **243 Official logs to be sent home in case of transfer of ship, and in case of loss.**

- (1) Where by reason of transfer of ownership or change of employment of a ship, the official log ceases to be required in respect of the ship or to be required at the same date, the master or owner of the ship shall, if the ship is then in the United Kingdom, within one month, and if she is elsewhere within six months, after the cessation, deliver or transmit to the superintendent at the port to which the ship belonged the official log-book (if any) duly made out to the time of the cessation.
- (2) If a ship is lost or abandoned, the master or owner thereof shall, if practicable, and as soon as possible, deliver or transmit to the superintendent at the port to which the ship belonged the official log-book (if any) duly made out to the time of the loss or abandonment.
- (3) If the master or owner of a ship fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding ten pounds.

#### *Local Marine Boards.*

#### **244 Continuance and constitution of local marine board.**

- (1) There shall be local marine boards for carrying into effect this Act under the superintendence of the Board of Trade at those ports of the United Kingdom at which local marine boards are now established and at such other places as the Board of Trade appoint for the purpose.
- (2) Every local marine board shall be constituted in manner specified in the Seventh Schedule to this Act, and the regulations in that schedule shall apply to the board and elections thereof.
- (3) A local marine board may regulate the mode in which their meetings are to be held and their business is to be conducted, including the fixing of a quorum, not being less than three.
- (4) A local marine board shall keep minutes of their proceedings in the manner (if any) prescribed by the Board of Trade.
- (5) Any act or proceedings of a local marine board shall not be vitiated or prejudiced by reason of any irregularity in the election of any of the members, or of any error in the list of voters entitled to vote at the election, or of any irregularity in making or revising the list, or by reason of any person not duly qualified acting on the board, or of any vacancy in the board.

**245 Control of Board of Trade over local marine boards.**

- (1) Every local marine board shall make and send to the Board of Trade such reports and returns as the Board of Trade require; and all minutes, books, and documents of, or used or kept by, any local marine board, or by any superintendent, or by any examiner or other officer or servant under the control of any local marine board, shall be open to the inspection of the Board of Trade and their officers.
- (2) If any local marine board, by reason of any election not being held or of the simultaneous resignation or continued non-attendance of all or the greater part of the members, or from any other cause, fail to meet or to discharge their duties, the Board of Trade may, in their discretion, either take into their own hands the performance of the duties of the local marine board until the next triennial appointment and election thereof, or direct that a new appointment and election of the local marine board shall take place immediately.
- (3) If on complaint made to the Board of Trade it appears to them that at any port, any appointments or arrangements made by the local marine board under this Act are not such as to meet the wants of the port, or are in any respect unsatisfactory or improper, the Board of Trade may annul, alter, or rectify the same, as they think expedient, having regard to the intention of this Act and to the wants of the port.

*Mercantile Marine Offices.***246 Establishment and control of mercantile marine offices.**

- (1) A mercantile marine office, with the requisite buildings, property, superintendents, deputies, clerks, and servants shall be maintained at every port of the United Kingdom where there is a local marine board, and may be established and maintained at such other ports as the Board of Trade determine.
- (2) In every port where there is a local marine board the board shall procure the said buildings and property, and appoint and remove the superintendents, deputies, clerks, and servants, and regulate the business at, and have the control of, the mercantile marine office, subject as follows :—
  - (a) The sanction of the Board of Trade shall be necessary, so far as regards the number of persons to be so appointed, and the amount of their salaries and wages, and all other expenses.
  - (b) The Board of Trade shall have the immediate control of every such office, as far as regards the receipt and payment of money thereat, and every person appointed to be an officer in any such office shall, before entering upon his duties, give such security (if any) for the due performance thereof as the Board of Trade require.
  - (c) If the Board of Trade have reason to believe that any superintendent, deputy, clerk, or servant appointed by a local marine board does not properly discharge his duties, they may cause the case to be investigated, and if they think fit remove him from his office, and provide for the proper performance of his duties until another person is duly appointed in his place.
  - (d) The Board of Trade may appoint any superintendent or other person connected with any sailors home in the port of London to be a superintendent with any necessary deputies clerks and servants, and may appoint an office in any such home to be a mercantile marine office, and all persons and offices



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so appointed shall be subject to the immediate control of the Board of Trade, and not of the local marine board of the port.

- (3) At any port at which the business of a mercantile marine office is conducted otherwise than under a local marine board, the Board of Trade may—
- (a) at any time establish a mercantile marine office and for that purpose procure the requisite buildings and property, and appoint and remove all the requisite superintendents, deputies, clerks, and servants, or
  - (b) direct with the consent of the Commissioners of Customs, that the whole or any part of the business of a mercantile marine office shall be conducted at the custom house, and thereupon the custom house shall be a mercantile marine office for the purposes of that business, and any officer of customs there appointed in that behalf by the Board of Trade shall be a superintendent or deputy within the meaning of this Act.

#### **247 Business of mercantile marine office.**

- (1) It shall be the general business of superintendents of mercantile marine offices (in this Act referred to as superintendents)—
- to afford facilities for engaging seamen by keeping registries of their names and characters :
  - to superintend and facilitate the engagement and discharge of seamen in manner in this Act provided:
  - to provide means for securing the presence on board at the proper times of the seamen who are so engaged :
  - to facilitate the making of apprenticeships to the sea service: and
  - to perform such other duties relating to seamen, apprentices, and merchant ships as are by or in pursuance of this Act, or any Act relating to merchant shipping, committed to them.
- (2) Any act done by to or before a deputy duly appointed shall have the same effect as if done by to or before a superintendent.

#### **248 Embezzlement by officers of local marine boards.**

- (1) A person appointed to any office or service by or under a local marine board shall be deemed to be a clerk or servant within the meaning of section sixty-eight of the Larceny Act, 1861 (relating to embezzlement).
- (2) If any person so appointed to an office or service—
- (a) fraudulently applies or disposes of any chattel, money, or valuable security received by him (whilst employed in such office or service) for or on account of any local marine board, or for or on account of any other public board or department, for his own use, or any use or purpose other than that for which the same was paid, entrusted to, or received by him, or
  - (b) fraudulently withholds, retains, or keeps back the same, or any part thereof, contrary to any lawful directions or instructions which he is required to obey in relation to his office or service aforesaid,

that person shall be guilty of embezzlement within the meaning of the said section sixty-eight of the Larceny Act, 1861.

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- (3) In any indictment under this section, it shall be sufficient to charge any such chattel, money, or valuable security as the property either of the local marine board by whom the person was appointed, or of the board or department for or on account of whom the same was received.
- (4) Section seventy-one of the Larceny Act, 1861 (relating to the manner of charging embezzlement), shall apply as if an offence under this section were embezzlement under that Act.

**249 Power to dispense with transaction of certain matters at mercantile marine offices.**

The Board of Trade may dispense with the transaction in a mercantile marine office, or before a superintendent of any matters required by this Act to be so transacted, and thereupon those matters, if otherwise duly transacted, shall be as valid as if they were transacted in such an office or before a superintendent.

**250 Prohibition on taking fees at mercantile marine office.**

If a superintendent, deputy, clerk, or servant, in a mercantile marine office demands or receives save as provided by any Act, or authorised by the Board of Trade, any remuneration whatever, either directly or indirectly, for hiring or supplying any seaman for a ship or transacting any business which it is his duty to transact, he shall for every such offence be liable to a fine not exceeding twenty pounds, and also to dismissal from his office by the Board of Trade.

*Registration of and Returns respecting Seamen.*

**251 Establishment of register office.**

- (1) There shall be maintained in the port of London, under the control of the Board of Trade, an office, called the General Register and Record Office of Seamen.
- (2) The Board of Trade may appoint and remove a Registrar-General called " The Registrar-General of Shipping and Seamen," and such assistants, clerks, and servants as may be necessary, and, with the consent of the Treasury, regulate their salaries and allowances; and those salaries and allowances, and all other necessary expenses, shall be paid out of moneys provided by Parliament.
- (3) The Board of Trade may direct that the business of the said office at any of the outports be transacted at the mercantile marine office there, or with the consent of the Commissioners of Customs at the Custom House there, and may appoint the superintendent, or with the said consent some officer of customs, as the case may be, to conduct the business, and the business shall thereupon be conducted accordingly, subject to the immediate control of the Board of Trade.

**252 Register of seamen.**

The Registrar-General of Shipping and Seamen shall, by means of the documents transmitted to him in pursuance of this Act, and by any other means in his power, keep at his office a register of all persons who serve in ships subject to this Act.

## **253 Lists of the crew.**

### **(1) The master—**

- (a) of a foreign-going ship whose crew is discharged in the United Kingdom, in whatever part of Her Majesty's dominions the ship is registered; and
- (b) of a home trade ship ;

shall make out and sign a list (in this Act referred to as the list of the crew), in a form approved by the Board of Trade, and containing the following particulars:—

- (i) The number and date of the ship's register, and her registered tonnage:
- (ii) The length and general nature of the voyage or employment :
- (iii) The names, ages, and places of birth of all the crew including the master and apprentices ; their ratings on board, their last ships or other employments, and the dates and places of their joining the ship :
- (iv) The names of any of the crew who have ceased to belong to the ship, with the times, places, causes, and circumstances thereof:
- (v) The names of any members of the crew who have been maimed or hurt, with the time, place, cause, and circumstances thereof:
- (vi) The wages due at the time of death to any of the crew who have died :
- (vii) The property belonging to any of the crew who have died, with a statement of the manner in which it has been dealt with, and the money for which any part of it has been sold :
- (viii) Any marriage which takes place on board with the date thereof, and the names and ages of the parties.

### **(2) The list of the crew—**

- (a) in the case of a foreign-going ship, shall be delivered by the master within forty-eight hours after the arrival of the ship at her final port of destination in the United Kingdom, or upon the discharge of the crew, whichever first happens, to the superintendent before whom the crew is discharged ; and
- (b) in the case of a home-trade ship, shall be delivered or transmitted by the master or owner to some superintendent in the United Kingdom on or within twenty-one days after the thirtieth day of June and the thirty-first day of December in each year;

and the superintendent shall give to such master or owner a certificate of such delivery or transmission, and any such ship may be detained until the certificate is produced, and an officer of customs shall not clear inwards any foreign-going ship until the certificate is produced.

- (3) If the master in the case of a foreign-going ship, or the master or owner in the case of a home trade ship, fails without reasonable cause to deliver or transmit the list of the crew as required by this section, he shall for each offence be liable, to a fine not exceeding five pounds.

## **254 Return of births and deaths in British ships.**

- (1) The master of every British ship, whether registered or not in the United Kingdom, shall, as soon as may be after the occurrence of the birth of a child or the death of a person happening on board his ship, record in his log-book or otherwise the fact of the birth or death, and the particulars required by the Eighth Schedule to this Act to be registered concerning the birth or death, or such of them as may be known to him.

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*Status: This is the original version (as it was originally enacted).*

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- (2) The master of every British ship, upon its arrival at any port in the United Kingdom, or at such other time and place as the Board of Trade may with respect to any ship or class of ships direct, shall deliver or transmit, in such form as the Board of Trade direct, a return of the facts recorded by him in respect to the birth of a child or the death of a person on board such ship, to the Registrar-General of Shipping and Seamen.
- (3) Where the said return is directed by the Board of Trade to be delivered or transmitted upon the arrival of the ship or the discharge of the crew or otherwise at any port out of the United Kingdom, the Board of Trade may, if they think fit, direct that the return, instead of being delivered or transmitted to the Registrar-General of Shipping and Seamen, shall be delivered, and the same shall accordingly be delivered, if the port is in a British possession, to the superintendent or chief officer of customs at such port, and if it is elsewhere, to the British consular officer at the port, and such superintendent or officer shall transmit the same as soon as may be to the Registrar-General of Shipping and Seamen.
- (4) The Registrar-General of Shipping and Seamen shall send a certified copy of the returns relating to such births and deaths as follows ; (that is to say,)
  - (a) if it appears from the return that the father of the child so born, or if the child is a bastard the mother of the child, or that the person deceased was a Scotch or Irish subject of Her Majesty, then to the Registrar-General of Births and Deaths in Scotland or Ireland, as the case may require; and
  - (b) in any other case to the Registrar-General of Births and Deaths in England;
 and such Registrar-General of Births and Deaths shall cause the same to be filed and preserved in or copied in a book to be kept by him for the purpose, and to be called the marine register book; and such book shall be a certified copy of the register book within the meaning of the Acts relating to the registration of births and deaths in England, Scotland, and Ireland respectively.
- (5) If the master of any ship fails to comply with any requirement of this section, he shall be liable for each offence to a fine not exceeding five pounds.

## **255 Return in case of transfer or loss of ship.**

- (1) Where by reason of the transfer of ownership or change of employment of a ship the list of the crew ceases to be required in respect of the ship, or to be required at the same date, the master or owner of the ship shall, if the ship is then in the United Kingdom, within one month, and, if she is elsewhere, within six months, after that cessation deliver or transmit to the superintendent at the port to which the ship belonged the list of the crew, duly made up to the time of the cessation.
- (2) If a ship is lost or abandoned, the master or owner thereof shall, if practicable, and as soon as possible, deliver or transmit to the superintendent at the port to which the ship belonged the list of the crew, duly made out to the time of the loss or abandonment.
- (3) If the master or owner of a ship fails, without reasonable cause, to comply with this section, he shall for each offence be liable to a fine not exceeding ten pounds,

## **256 Transmission of documents to registrar by superintendents and other officers.**

- (1) All superintendents and all officers of customs shall take charge of all documents which are delivered or transmitted to or retained by them in pursuance of this Act, and shall keep them for such time (if any) as may be necessary for the purpose of settling

any business arising at the place where the documents come into their hands, or for any other proper purpose, and shall, if required, produce them for any of those purposes, and shall then transmit them to the Registrar-General of Shipping and Seamen, and he shall record and preserve them, and they shall be admissible in evidence in manner provided by this Act, and they shall, on payment of a moderate fee fixed by the Board of Trade, or without payment if the Board so direct, be open to the inspection of any person.

- (2) The documents aforesaid shall be public records and documents within the meaning of the Public Record Offices Acts, 1838 and 1877, and those Acts shall, where applicable, apply to those documents in all respects, as if specifically referred to therein.

### **257 Deposit of documents at foreign ports and in colonies.**

- (1) Whenever a ship, in whatever part, of Her Majesty's dominions it is registered (except a ship whose business for the time being is to carry passengers whether cabin or steerage passengers), arrives at a port in a British possession or at a port elsewhere at which there is a British consular officer, and remains thereat for forty-eight hours, the master shall, within forty-eight hours of the ship's arrival, deliver to the chief officer of customs or to the consular officer (as the case may be; the agreement with the crew, and also all indentures and assignments of apprenticeships, or, if the ship is registered in a British possession, such of those documents as the ship is provided with :
- (2) The officer shall keep the documents during the ship's stay in the port, and in cases where any endorsements upon the agreement are required by this Act shall make the same, and shall return the documents to the master within a reasonable time before his departure, with a certificate endorsed on the agreement, stating the time when the documents were respectively delivered and returned:
- (3) If it appears that the required forms have been neglected, or that the existing laws have been transgressed, the officer shall make an endorsement to that effect on the agreement, and forthwith transmit a copy of the endorsement, with the fullest information he can collect regarding the neglect or transgression, to the Registrar-General of Shipping and Seamen :
- (4) If the master of a ship fails without reasonable cause to deliver any document in pursuance of this section, he shall for each offence be liable to a fine not exceeding twenty pounds; and in any prosecution for that fine it shall lie upon the master either to produce the said certificate, or to prove that he duly obtained it, or that it was impracticable for him to obtain it.

### **258 Documents to be handed over to successor on change of master.**

If during the progress of a voyage the master is removed, or superseded, or for any other reason quits the ship, and is succeeded in the command by some other person, he shall deliver to his successor the various documents relating to the navigation of the ship and to the crew thereof which are in his custody, and if he fails without reasonable cause so to do, he shall be liable to a fine not exceeding one hundred pounds; and his successor shall immediately on assuming the command of the ship enter in the official log-book a list of the documents so delivered to him.

*Sites for Sailors Homes.*

**259 Corporations, &c. may grant sites for sailors homes.**

The corporation of a municipal borough, being a port in the United Kingdom, and any body corporate, association, or trustees in any such port, existing or constituted for any public purposes relating to the government or benefit of persons engaged in the British merchant service, or to the management of docks and harbours, or for any other public purposes connected with shipping or navigation, may, with the consent of the Local Government Board, appropriate any land vested in them or in trustees for them as a site for a sailors home, and may for that purpose either retain and apply the same accordingly, or convey the same to trustees, with such powers for appointing new trustees and continuing the trust as they think fit.

*Application of Part II.*

**260 Application of Part II to ships registered in the United Kingdom.**

This Part of this Act shall, unless the context or subject-matter requires a different application, apply to all sea-going ships registered in the United Kingdom, and to the owners, masters, and crews of such ships subject as herein-after provided with respect to—

- (a) ships belonging to any of the three general lighthouse authorities;
- (b) pleasure yachts; and
- (c) fishing boats.

**261 Application of Part II to ships registered elsewhere than in the United Kingdom.**

This Part of this Act shall, unless the context or subject-matter requires a different application, apply to all sea-going British ships registered out of the United Kingdom, and to the owners, masters, and crews thereof as follows; (that is to say,)

- (a) The provisions relating to the shipping and discharge of seamen in the United Kingdom and to volunteering into the Navy shall apply in every case;
- (b) The provisions relating to lists of the crew and to the property of deceased seamen and apprentices shall apply where the crew are discharged, or the final port of destination of the ship is, in the United Kingdom; and
- (c) All the provisions shall apply where the ships are employed in trading or going between any port in the United Kingdom, and any port not situate in the British possession or country in which the ship is registered; and
- (d) The provisions relating to the rights of seamen in respect of wages, to the shipping and discharge of seamen in ports abroad, to leaving seamen abroad and to the relief of seamen in distress in ports abroad, to the provisions, health, and accommodation of seamen, to the power of seamen to make complaints, to the protection of seamen from imposition, and to discipline, shall apply in every case except where the ship is within the jurisdiction of the government of the British possession in which the ship is registered.

## **262 Partial application of Part II to ships of lighthouse authorities and pleasure yachts.**

The following provisions of this Part of this Act shall not apply to ships belonging to the three general lighthouse authorities or to pleasure yachts, or to the owners, masters, and crews thereof, namely, the provisions relating to—

- (a) the requirement of officers to hold certificates of competency, and the production of those certificates;
- (b) the exemption from stamp duty and record of indentures of apprenticeship, and matters to be done for the purpose of such record;
- (c) the entry in the agreement with the crew of the particulars respecting apprentices, and matters to be done for the purpose of such entry;
- (d) the engagement or supply of seamen or apprentices by or through unlicensed persons;
- (e) agreements with the crew (except the provisions relating to the engagement of a seaman abroad) ;
- (f) the compulsory discharge and payment of seamen's wages before a superintendent and the compulsory delivery of an account of wages;
- (g) the accommodation for seamen ;
- (h) the deduction and payment of fines imposed under stipulations in the agreement;
- (i) the delivery of documents at ports abroad to consular or customs officers; or
- (j) official log books.

## **263 Partial application of Part II to fishing boats.**

(1) This Part of this Act (except the provisions thereof relating to the transmission and delivery of lists of crews, volunteering into the Navy, and the property of deceased seamen) shall not, subject as herein-after provided with respect to Scotland or by the Fourth Part of this Act, apply to fishing boats exclusively employed in fishing on the coasts of the United Kingdom, or to the, owners, skippers, and crews thereof.

- (2) The provisions of this Part of this Act relating to—
- (a) apprenticeships to the sea service ;
  - (b) compulsory agreements with the crew ;
  - (c) the alteration, falsification, or posting up of copies of agreements with the crew;
  - (d) compensation to seamen improperly discharged ;
  - (e) the delivery of an account of wages;
  - (f) the granting of certificates of discharge and the return of certificates of competency by the master;
  - (g) the decision of questions by the superintendent when referred to him ;
  - (h) the production of the ship's papers by the master to the superintendent in proceedings under this Act before him ; or
  - (i) the sections constituting the offences of desertion, absence without leave, and offences against discipline ;

shall not, subject as in this section mentioned with respect to Scotland, apply to any fishing boats whether or not exclusively employed in fishing on the coasts of the United Kingdom, or to the owners, skippers, and crews thereof.

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*Status: This is the original version (as it was originally enacted).*

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- (3) So far as respects Scotland all of this Part of this Act (except the provisions thereof declared not to apply to ships belonging to the general lighthouse authorities or to pleasure yachts) shall apply to fishing boats, whether or not exclusively employed in fishing on the coasts of the United Kingdom, and to the owners, skippers, and crews thereof in like manner as it applies to other ships, and the owners, skippers, and crews thereof.

**264 Application of Part II to colony by colonial legislatures.**

If the legislature of a British possession, by any law, apply or adapt to any British ships registered at, trading with, or being at, any port in that possession, and to the owners, masters, and crews of those ships, any provisions of this Part of this Act which do not otherwise so apply, such law shall have effect throughout Her Majesty's dominions, and in all places where Her Majesty has jurisdiction in the same manner as if it were enacted in this Act.

**265 Conflict of laws.**

Where in any matter relating to a ship or to a person belonging to a ship there appears to be a conflict of laws, then, if there is in this Part of this Act any provision on the subject which is hereby expressly made to extend to that ship, the case shall be governed by that provision; but if there is no such provision, the case shall be governed by the law of the port at which the ship is registered.

**266 Unregistered ship deemed to be registered in United Kingdom for certain purposes.**

This Part of this Act shall apply to an unregistered British ship which ought to have been registered under this Act, as if such ship had been registered in the United Kingdom.