



# Merchant Shipping Act 1894

## 1894 CHAPTER 60

### PART III

#### PASSENGER AND EMIGRANT SHIPS.

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#### EMIGRANT SHIPS.

#### *Provisions in case of Wreck.*

#### **331 Provisions in case of an emigrant ship being wrecked or damaged in or near British Islands.**

(1) When any emigrant ship—

- (a) has, while in any port of the British Islands, or after the commencement of the voyage, been wrecked or otherwise rendered unfit to proceed on her intended voyage, and any steerage passengers have been brought back to any port in the British Islands; or
- (b) has put into any port in the British Islands in a damaged state;

the master, charterer, or owner of that ship shall, within forty-eight hours thereafter, give to the nearest emigration officer a written undertaking to the following effect; (that is to say,)

- (i) If the ship has been wrecked or rendered unfit to proceed on her voyage, that the owner, charterer, or master thereof will embark and convey the steerage passengers in some other eligible ship, to sail within six weeks from the date of the undertaking, to the port for which their passage had been taken :
- (ii) If the ship has put into port in a damaged state, that she will be made seaworthy and fit in all respects for her intended voyage, and will within six weeks from the date of the undertaking sail again with the steerage passengers.

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- (2) In either of the above cases, the owner, charterer, or master shall, until the steerage passengers proceed on their voyage, either lodge and maintain them on board in the same manner as if they were at sea, or pay either to the steerage passengers, or (if they are lodged and maintained in any hulk or establishment under the superintendence of the Board of Trade) to the emigration officer at the port, subsistence money at the rate of one shilling and sixpence a day for each statute adult.
- (3) If the substituted ship, or the damaged ship, as the case may be, does not sail within the above-mentioned time, or if default is made in compliance with any requirement of this section, any steerage passenger or any emigration officer on his behalf may recover summarily all money paid by or on account of the passenger for the passage from the person to whom or on whose account the same was paid, or from the owner, charterer, or master of the ship, at the option of the passenger or emigration officer.
- (4) The emigration officer may, if he thinks it necessary, direct that the steerage passengers be removed from any damaged emigrant ship at the expense of the master thereof, and if after that direction any steerage passenger refuses to leave the ship, he shall for each offence be liable to a fine not exceeding forty shillings, or to imprisonment not exceeding one month.

### **332 Expenses of rescue and conveyance of wrecked passengers.**

If any passenger, whether a cabin or a steerage passenger, is either taken off any ship which is carrying any steerage passenger on a voyage from any part of Her Majesty's dominions and is damaged, wrecked, sunk or otherwise destroyed, or if any such passenger is picked up at sea from any boat, raft, or otherwise, it shall be lawful—

- (a) if the port to which such passenger (in this Act referred to as a "wrecked passenger") is conveyed is in the United Kingdom, for a Secretary of State; and
  - (b) if the port is in a British possession for the governor of that possession, or any person authorised by him for the purpose; and
  - (c) if the port is elsewhere, for the British consular officer there ;
- to defray all or any part of the expenses thereby incurred.

### **333 Forwarding of passengers by governors or consuls.**

- (1) If any passenger whether a cabin or a steerage passenger from any ship which is carrying any steerage passenger on a voyage from any port in Her Majesty's dominions finds himself without any neglect or default of his own at any port outside the British Islands other than the port for which the ship was originally bound, or at which he, or the Board of Trade, or any public officer or other person on his behalf, has contracted that he should land, it shall be lawful—
  - (a) if the place is in a British possession, for the governor of that possession, or any person authorised by the governor for the purpose; and
  - (b) if the place is elsewhere, for the British consular officer there;
 to forward the passenger to his intended destination, unless the master of the ship, within forty-eight hours of the arrival of the passenger, gives to the governor or consular officer, as the case may be, a written undertaking to forward or convey within six weeks thereafter the passenger to his original destination, and forwards or conveys him accordingly within that period.

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- (2) A passenger so forwarded by or by the authority of a governor or a British consular officer shall not be entitled under this Part of this Act to the return of his passage money, or to any compensation for loss of passage.

**334 Recovery of expenses incurred in conveying wrecked passengers and forwarding passengers.**

- (1) All expenses incurred under this Part of this Act by or by the authority of a Secretary of State, governor of a British possession, or consular officer, in respect of a wrecked passenger, or forwarding of a passenger to his destination, including the cost of maintaining the passenger, until forwarded to his destination, and of all necessary bedding, provisions, and stores, shall be a joint and several debt to the Crown from the owner, charterer, and master of the ship on board of which the passenger had embarked.
- (2) In any proceeding for the recovery of that debt a certificate purporting to be under the hand of a Secretary of State, governor, or consular officer, and stating the circumstances of the case, and the total amount of the expenses, shall be admissible in evidence in manner provided by this Act, and shall be sufficient evidence of the amount of the expenses, and of the fact that the same were duly incurred, unless the defendant specially pleads and duly proves that the certificate is false and fraudulent, or that the expenses were not duly incurred under this Act.
- (3) The sum recovered on account of the expenses shall not exceed twice the total amount of passage money which the owner, charterer, or master of the emigrant ship proves to have been received by him or on his account, or to be due to and recoverable by him or on his account in respect of the whole number of passengers whether cabin or steerage who embarked in the ship.

**335 Validity of insurance of passage money.**

A policy of assurance effected in respect of any steerage passage or of any steerage passage or compensation money by any person by this Part of this Act made liable, in the events aforesaid, to provide such passage or to pay such money, or in respect of any other risk under this Part of this Act, shall not be invalid by reason of the nature of the risk or interest sought to be covered by the policy of assurance.