



# Merchant Shipping Act 1894

1894 CHAPTER 60 57 and 58 Vict

## PART V U.K.

### SAFETY

#### *Dangerous Goods*

#### 446 Restrictions on carriage of dangerous goods. U.K.

- (1) A person shall not send or attempt to send by any vessel, British or foreign, and a person not being the master or owner of the vessel shall not carry or attempt to carry in any such vessel, any dangerous goods, without distinctly marking their nature on the outside of the package containing the same, and giving written notice of the nature of those goods and of the name and address of the sender or carrier thereof to the master or owner of the vessel at or before the time of sending the same to be shipped or taking the same on board the vessel.
- (2) If any person fails without reasonable cause to comply with this section, he shall for each offence be [<sup>F1</sup>liable on conviction on indictment to a fine or on summary conviction to a fine not exceeding one thousand pounds; but it shall be a defence to show that the accused] was merely an agent in the shipment of any such goods as aforesaid, and was not aware and did not suspect and had no reason to suspect that the goods shipped by him were of a dangerous nature, . . . <sup>F2</sup>
- (3) For the purpose of this Part of this Act the expression “dangerous goods” means aquafortis, vitriol, naphtha, benzine, gunpowder, lucifer matches, nitro-glycerine, petroleum, any explosives within the meaning of the <sup>M1</sup>Explosives Act 1875, and any other goods which are of a dangerous nature.

#### Textual Amendments

- F1** Words substituted by [Merchant Shipping Act 1979 \(c. 39\), Sch. 6 Pt. VII para. 7\(a\)](#)
- F2** Words repealed by [Merchant Shipping Act 1979 \(c. 39\), Sch. 7 Pt. II](#)

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1894, Cross Heading: Dangerous Goods. (See end of Document for details)*

**Modifications etc. (not altering text)**

- C1 S. 446 extended by S.I. 1972/971, **Sch. 1 Pt. A**  
 C2 S. 446(2) amended by **Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 49(1)**

**Marginal Citations**

- M1 1875 c. 17.

**447 Penalty for misdescription of dangerous goods. U.K.**

A person shall not knowingly send or attempt to send by, or carry or attempt to carry in, any vessel, British or foreign, any dangerous goods under a false description, and shall not falsely describe the sender or carrier thereof, and if he acts in contravention of this section he shall for each offence be [<sup>F3</sup>liable on conviction on indictment to a fine or on summary conviction to a fine not exceeding one thousand pounds].

**Textual Amendments**

- F3 Words substituted by **Merchant Shipping Act 1979 (c. 39), Sch. 6 Pt. VII para. 8**

**Modifications etc. (not altering text)**

- C3 S. 447 extended by S.I. 1972/971, **Sch. 1 Pt. A**  
 C4 S. 447 amended by **Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 49(1)**

**448 Power to deal with goods suspected of being dangerous. U.K.**

- (1) The master or owner of any vessel, British or foreign, may refuse to take on board any package or parcel which he suspects to contain any dangerous goods, and may require it to be opened to ascertain the fact.
- (2) When any dangerous goods, or any goods, which, in the judgment of the master or owner of the vessel, are dangerous goods, have been sent or brought aboard any vessel, British or foreign, without being marked as aforesaid, or without such notice having been given as aforesaid, the master or owner of the vessel may cause those goods to be thrown overboard, together with any package or receptacle in which they are contained; and neither the master nor the owner of the vessel shall be subject to any liability, civil or criminal, in any court for so throwing the goods overboard.

**Modifications etc. (not altering text)**

- C5 Ss. 448–450 extended by S.I. 1972/971, **Sch. 1 Pt. A**

**449 Forfeiture of dangerous goods improperly sent or carried. U.K.**

- (1) Where any dangerous goods have been sent or carried, or attempted to be sent or carried, on board any vessel, British or foreign, without being marked as aforesaid, or without such notice having been given as aforesaid, or under a false description, or with a false description of the sender or carrier thereof, any court having Admiralty jurisdiction may declare those goods, and any package or receptacle in which they are contained, to be, and they shall thereupon be, forfeited, and when forfeited, shall be disposed of as the court direct.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1894, Cross Heading: Dangerous Goods. (See end of Document for details)*

(2) The court shall have, and may exercise, the aforesaid powers of forfeiture and disposal notwithstanding that the owner of the goods has not committed any offence under the provisions of this Act relating to dangerous goods, and is not before the court, and has not notice of the proceedings, and notwithstanding that there is no evidence to show to whom the goods belong; nevertheless the court may, in their discretion, require such notice as they may direct to be given to the owner or shipper of the goods before they are forfeited.

**Modifications etc. (not altering text)**

C6 Ss. 448–450 extended by S.I. 1972/971, Sch. 1 Pt. A

**450 Saving for other enactments relating to dangerous goods. U.K.**

The provisions of this Part of this Act relating to the carriage of dangerous goods shall be deemed to be in addition to and not in substitution for, or in restraint of, any other enactment for the like object, so nevertheless that nothing in the said provisions shall be deemed to authorise any person to be sued or prosecuted twice in the same matter.

**Modifications etc. (not altering text)**

C7 Ss. 448–450 extended by S.I. 1972/971, Sch. 1 Pt. A

**451 ..... F4 U.K.**

**Textual Amendments**

F4 S. 451 repealed by Merchant Shipping Act 1906 (c. 48), Sch. 2

**452– ..... F5 U.K.**  
**456**

**Textual Amendments**

F5 Ss. 452–456 repealed by Merchant Shipping (Safety Convention) Act 1949 (c. 43), Sch. 3

**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

There are currently no known outstanding effects for the Merchant Shipping Act 1894, Cross Heading: Dangerous Goods.