



Merchant Shipping Act 1894

1894 CHAPTER 60

PART VI

SPECIAL SHIPPING INQUIRIES AND COURTS.

Inquiries and Investigations as to Shipping Casualties.

464 Shipping casualties.

For the purpose of inquiries and investigations under this Part of this Act a shipping casualty shall be deemed to occur—

- (1) When on or near the coasts of the United Kingdom any ship is lost, abandoned, or materially damaged;
- (2) When on or near the coasts of the United Kingdom any ship has been stranded or damaged, and any witness is found in the United Kingdom ;
- (3) When on or near the coasts of the United Kingdom any ship causes loss or material damage to any other ship;
- (4) When any loss of life ensues by reason of any casualty happening to or on board any ship on or near the coasts of the United Kingdom;
- (5) When in any place any such loss, abandonment, material damage, or casualty as above mentioned occurs, and any witness is found in the United Kingdom;
- (6) When in any place any British ship is stranded or damaged, and any witness is found in the United Kingdom ;
- (7) When any British ship is lost or is supposed to have been lost, and any evidence is obtainable in the United Kingdom as to the circumstances under which she proceeded to sea or was last heard of.

Status: This is the original version (as it was originally enacted).

465 Preliminary inquiry into shipping casualties.

- (1) Where a shipping casualty has occurred a preliminary inquiry may be held respecting the casualty by the following persons; namely,—
 - (a) Where the shipping casualty occurs on or near the coasts of the United Kingdom, by the inspecting officer of the coastguard or chief officer of customs residing at or near the place at which the casualty occurs; or
 - (b) Where the shipping casualty occurs elsewhere, by the inspecting officer of the coastguard or chief officer of customs residing at or near any place at which the witnesses with respect to the casualty arrive or are found or can be conveniently examined ; or
 - (c) In any case by any person appointed for the purpose by the Board of Trade.
- (2) For the purpose of any such inquiry the person holding the same shall have the powers of a Board of Trade inspector under this Act.

466 Formal investigation of shipping casualties.

- (1) A person authorised as aforesaid to make a preliminary inquiry shall in any case where it appears to him requisite or expedient (whether upon a preliminary inquiry or without holding such an inquiry) that a formal investigation should be held, and in any case where the Board of Trade so directs, apply to a court of summary jurisdiction to hold a formal investigation, and that court shall thereupon hold the formal investigation.
- (2) A wreck commissioner appointed under this Act shall at the request of the Board of Trade hold any formal investigation into a shipping casualty under this section, and any reference to the court holding an investigation under this section includes a wreck commissioner holding such an investigation.
- (3) The court holding any such formal investigation shall hold the same with the assistance of one or more assessors of nautical, engineering, or other special skill or knowledge, to be appointed out of a list of persons for the time being approved for the purpose by a Secretary of State in such manner and according to such regulations as may be prescribed by rules made under this Part of this Act with regard thereto.
- (4) Where a formal investigation involves or appears likely to involve any question as to the cancelling or suspension of the certificate of a master, mate, or engineer, the court shall hold the investigation with the assistance of not less than two assessors having experience in the merchant service.
- (5) It shall be the duty of the person who has applied to a court to hold a formal investigation to superintend the management of the case, and to render such assistance to the court as is in his power.
- (6) The court after hearing the case shall make a report to the Board of Trade containing a full statement of the case and of the opinion of the court thereon, accompanied by such report of, or extracts from, the evidence, and such observations as the court think fit.
- (7) Each assessor shall either sign the report or state in writing to the Board of Trade his dissent therefrom and the reasons for that dissent.
- (8) The court may make such order as the court think fit respecting the costs of the investigation, or any part thereof, and such order shall be enforced by the court as an order for costs under the Summary Jurisdiction Acts.

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- (9) The Board of Trade may, if in any case they think fit so to do, pay the costs of any such formal investigation.
- (10) For the purposes of this section the court holding a formal investigation shall have all the powers of a court of summary jurisdiction when acting as a court in exercise of their ordinary jurisdiction.
- (11) Every formal investigation into a shipping casualty shall be conducted in such manner that if a charge is made against any person, that person shall have an opportunity of making a defence.
- (12) Formal investigations into shipping casualties under this section shall be held in some town hall, assize or county court, or public building, or in some other suitable place to be determined according to rules made under this Part of this Act with regard thereto, and, unless no other suitable place is in the opinion of the Board of Trade available, shall not be held in a court ordinarily used as a police court, and all enactments relating to the court shall for the purposes of the investigation have effect as if the place at which the court is held were a place appointed for the exercise of the ordinary jurisdiction of the court.
- (13) Where an investigation is to be held in Scotland, the Board of Trade may remit the same to the Lord Advocate to be prosecuted in such manner as he may direct.

467 List of assessors.

- (1) The list of persons approved as assessors for the purpose of formal investigations into shipping casualties shall be in force for three years only, but persons whose names are on any such list may be approved for any subsequent list.
- (2) The Secretary of State may at any time add or withdraw the name of any person to or from the list.
- (3) The list of assessors in force at the passing of this Act shall, subject as aforesaid, continue in force till the end of the year one thousand eight hundred and ninety-five.

468 Inquiry in case of loss of life from fishing vessel's boat.

When any loss of life arises by reason of any casualty happening to or on board any boat belonging to a fishing vessel, the Board of Trade may, if they think fit, cause an inquiry to be made or a formal investigation to be held as in the case of a shipping casualty, and the provisions of this Act relating thereto shall apply accordingly.

Power as to Certificates of Officers, &c.

469 Power of Board of Trade as to certificate.

The Board of Trade may suspend or cancel the certificate of any master, mate, or engineer if it is shown that he has been convicted of any offence.

470 Power of court of investigation or inquiry as to certificates.

- (1) The certificate of a master, mate, or engineer may be cancelled or suspended—

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- (a) by a court holding a formal investigation into a shipping casualty under this Part of this Act, or by a naval court constituted under this Act, if the court find that the loss or abandonment of, or serious damage to, any ship, or loss of life, has been caused by his wrongful act or default, provided that, if the court holding a formal investigation is a court of summary jurisdiction, that court shall not cancel or suspend a certificate unless one at least of the assessors concurs in the finding of the court:
 - (b) by a court holding an inquiry under this Part of this Act into the conduct of a master, mate, or engineer, if they find that he is incompetent, or has been guilty of any gross act of misconduct, drunkenness, or tyranny, or that in a case of collision he has failed to render such assistance or give such information as is required under the Fifth Part of this Act:
 - (c) by any naval or other court where under the powers given by this Part of this Act the holder of the certificate is superseded or removed by that court.
- (2) Where any case before any such court as aforesaid involves a question as to the cancelling or suspending of a certificate, that court shall, at the conclusion of the case or as soon afterwards as possible, state in open court the decision to which they have come with respect to the cancelling or suspending thereof,
- (3) The court shall in all cases send a full report on the case with the evidence to the Board of Trade, and shall also, if they determine to cancel or suspend any certificate, send the certificate cancelled or suspended to the Board of Trade with their report.
- (4) A certificate shall not be cancelled or suspended by a court under this section, unless a copy of the report, or a statement of the case on which the investigation or inquiry has been ordered, has been furnished before the commencement of the investigation or inquiry to the holder of the certificate.

471 Inquiry into conduct of certificated officer.

- (1) If the Board of Trade, either on the report of a local marine board or otherwise, have reason to believe that any master, mate, or certificated engineer is from incompetency or misconduct unfit to discharge his duties, or that in a case of collision he has failed to render such assistance or give such information as is required under the Fifth Part of this Act, the Board may cause an inquiry to be held.
- (2) The Board may either themselves appoint a person to hold the inquiry or direct the local marine board at or nearest the place at which it is convenient for the parties or witnesses to attend to hold the same, or where there is no local marine board before which the parties and witnesses can conveniently attend, or the local marine board is unwilling to hold the inquiry, may direct the inquiry to be held before a court of summary jurisdiction.
- (3) Where the inquiry is held by a local marine board, or by a person appointed by the Board of Trade, that board or person—
- (a) shall hold the inquiry, with the assistance of a local stipendiary magistrate, or, if there is no such magistrate available, of a competent legal assistant appointed by the Board of Trade; and
 - (b) shall have all the powers of a Board of Trade inspector under this Act; and
 - (c) shall give any master, mate, or engineer against whom a charge is made an opportunity of making his defence either in person or otherwise, and may summon him to appear; and

- (d) may make such order with regard to the costs of the inquiry as they think just; and
 - (e) shall send a report upon the case to the Board of Trade.
- (4) Where the inquiry is held by a court of summary jurisdiction, the inquiry shall be conducted and the results reported in the same manner, and the court shall have the like powers, as in the case of a formal investigation into a shipping casualty under this Part of this Act, provided that, if the Board of Trade so direct, it shall be the duty of the person who has brought the charge against the master, mate, or engineer, to the notice of the Board of Trade to conduct the case, and that person shall in that case, for the purpose of this Act, be deemed to be the party having the conduct of the case.

472 Removal of master by Admiralty Court.

- (1) Any of the following courts; namely,—
In England and Ireland the High Court,
In Scotland the Court of Session,
Elsewhere in Her Majesty's dominions any colonial court of Admiralty or Vice-Admiralty Court,
may remove the master of any ship within the jurisdiction of that court, if that removal is shown to the satisfaction of the court by evidence on oath to be necessary.
- (2) The removal may be made upon the application of any owner of the ship or his agent, or of the consignee of the ship, or of any certificated mate, or of one third or more of the crew of the ship.
- (3) The court may appoint a new master instead of the one removed; but, where the owner, agent, or consignee of the ship is within the jurisdiction of the court, such an appointment shall not be made without the consent of that owner, agent, or consignee.
- (4) The court may also make such order and require such security in respect of the costs of the matter as the court thinks fit.

473 Delivery of certificate cancelled or suspended.

- (1) A master, mate, or engineer whose certificate is cancelled or suspended by any court or by the Board of Trade shall deliver his certificate—
(a) if cancelled or suspended by a court to that court on demand;
(b) if not so demanded, or if it is cancelled or suspended by the Board of Trade, to that Board, or as that Board direct.
- (2) If a master, mate, or engineer fail to comply with this section, he shall, for each offence, be liable to a fine not exceeding fifty pounds.

474 Power of Board of Trade to restore certificate.

The Board of Trade may, if they think that the justice of the case requires it, re-issue and return the certificate of a master, mate, or engineer which has been cancelled or suspended, whether in the United Kingdom or in a British possession, or shorten the time for which it is suspended, or grant in place thereof a certificate of the same or any lower grade.

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Re-hearing of Investigations and Inquiries.

475 Re-hearing of inquiries and investigations.

- (1) The Board of Trade may, in any case where under this Part of this Act a formal investigation as aforesaid into a shipping casualty, or an inquiry into the conduct of a master, mate, or engineer has been held, order the case to be re-heard either generally or as to any part thereof, and shall do so—
 - (a) if new and important evidence which could not be produced at the investigation or inquiry has been discovered; or
 - (b) if for any other reason there has in their opinion been ground for suspecting that a miscarriage of justice has occurred.
- (2) The Board of Trade may order the case to be re-heard, either by the court or authority by whom the case was heard in the first instance, or by the wreck commissioner, or in England or Ireland by the High Court, or in Scotland by the Senior Lord Ordinary, or any other judge in the Court of Session whom the Lord President of that court may appoint for the purpose, and the case shall be so re-heard accordingly.
- (3) Where on any such investigation or inquiry, a decision has been given with respect to the cancelling or suspension of the certificate of a master, mate, or engineer, and an application for a re-hearing under this section has not been made or has been refused, an appeal shall lie from the decision to the following courts ; namely—
 - (a) If the decision is given in England or by a naval court, to the High Court:
 - (b) If the decision is given in Scotland, to either division of the Court of Session :
 - (c) If the decision is given in Ireland, to the High Court in Ireland.
- (4) Any re-hearing or appeal under this section shall be subject to and conducted in accordance with such conditions and regulations as may be prescribed by rules made in relation thereto under the powers contained in this Part of this Act.

Supplemental Provisions as to Investigations and Inquiries.

476 Investigations before stipendiary magistrate.

- (1) Where a stipendiary magistrate is in any place a member of the local marine board, a formal investigation at that place into a shipping casualty shall, whenever he happens to be present, be held before that stipendiary magistrate.
- (2) There shall be paid out of the Mercantile Marine Fund to the stipendiary magistrate, if he is not remunerated out of money provided by Parliament under this Act, such remuneration by way of an annual increase of salary, or otherwise, as a Secretary of State, with the consent of the Board of Trade, may direct.

477 Power to appoint wreck commissioners.

The Lord Chancellor may appoint some fit person or persons to be a wreck commissioner or wreck commissioners for the United Kingdom, so that there shall not be more than three of those commissioners at any one time, and may remove any such wreck commissioner; and in case it becomes necessary to appoint a wreck commissioner in Ireland the Lord Chancellor of Ireland shall have the power to appoint and remove that wreck commissioner.

478 Authority for colonial court to make inquiries into shipping casualties and conduct of officers.

- (1) The legislature of any British possession may authorise any court or tribunal to make inquiries as to shipwrecks, or other casualties affecting ships, or as to charges of incompetency, or misconduct on the part of masters, mates, or engineers of ships, in the following cases; namely,—
 - (a) Where a shipwreck or casualty occurs to a British ship on or near the coasts of the British possession or to a British ship in the course of a voyage to a port within the British possession :
 - (b) Where a shipwreck or casualty occurs in any part of the world to a British ship registered in the British possession :
 - (c) Where some of the crew of a British ship which has been wrecked or to which a casualty has occurred, and who are competent witnesses to the facts, are found in the British possession :
 - (d) Where the incompetency or misconduct has occurred on board a British ship on or near the coasts of the British possession, or on board a British ship in the course of a voyage to a port within the British possession:
 - (e) Where the incompetency or misconduct has occurred on board a British ship registered in the British possession :
 - (f) When the master, mate, or engineer of a British ship who is charged with incompetency or misconduct on board that British ship is found in the British possession.
- (2) A court or tribunal so authorised shall have the same jurisdiction over the matter in question as if it had occurred within their ordinary jurisdiction, but subject to all provisions, restrictions, and conditions which would have been applicable if it had so occurred.
- (3) An inquiry shall not be held under this section into any matter which has once been the subject of an investigation or inquiry and has been reported on by a competent court or tribunal in any part of Her Majesty's dominions, or in respect of which the certificate of a master, mate, or engineer has been cancelled or suspended by a naval court.
- (4) Where an investigation or inquiry has been commenced in the United Kingdom with reference to any matter, an inquiry with reference to the same matter shall not be held, under this section, in a British possession.
- (5) The court or tribunal holding an inquiry under this section shall have the same powers of cancelling and suspending certificates, and shall exercise those powers in the same manner as a court holding a similar investigation or inquiry in the United Kingdom.
- (6) The Board of Trade may order the re-hearing of any inquiry under this section in like manner as they may order the re-hearing of a similar investigation or inquiry in the United Kingdom, but if an application for re-hearing either is not made or is refused, an appeal shall lie from any order or finding of the court or tribunal holding the inquiry to the High Court in England: Provided that an appeal shall not lie—
 - (a) from any order or finding on an inquiry into a casualty affecting a ship registered in a British possession, or
 - (b) from a decision affecting the certificate of a master, mate, or engineer, if that certificate has not been granted either in the United Kingdom or in a British possession, under the authority of this Act.

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- (7) The appeal shall be conducted in accordance with such conditions and regulations as may from time to time be prescribed by rules made in relation thereto under the powers contained in this Part of this Act.

479 Rules as to investigations and inquiries.

- (1) The Lord Chancellor may (with the consent of the Treasury so far as relates to fees) make general rules for carrying into effect the enactments relating to formal investigations, and to the re-hearing of, or an appeal from, any investigation or inquiry held under this Part of this Act, and in particular with respect to the appointment and summoning of assessors, the procedure, the parties, the persons allowed to appear, the notice to those parties or persons or to persons affected, the amount and application of fees, and the place in which formal investigations are to be held.
- (2) Any rule made under this section while in force shall have effect as if it were enacted in this Act.
- (3) Any rule made under this section with regard to the re-hearing of, or appeals from, any investigation or inquiries, as to the appointment of assessors, and as to the place in which formal investigations are to be held, shall be laid before both Houses of Parliament as soon as may be after it is made.

Naval Courts on the High Seas and Abroad.

480 Cases in which naval courts may be summoned.

A court (in this Act called a naval court) may be summoned by any officer in command of any of Her Majesty's ships on any foreign station, or, in the absence of such an officer, by any consular officer, in the following cases; (that is to say,)

- (i) Whenever a complaint which appears to that officer to require immediate investigation is made to him by the master of any British ship, or by a certificated mate, or by any one or more of the seamen belonging to any such ship ;
- (ii) Whenever the interest of the owner of any British ship or of the cargo thereof appears to that officer to require it; and
- (iii) Whenever any British ship is wrecked, abandoned, or otherwise lost at or near the place where that officer may be, or whenever the crew or part of the crew of any British ship which has been wrecked, abandoned, or lost abroad arrive at that place.

481 Constitution of naval courts.

- (1) A naval court shall consist of not more than five and not less than three members, of whom, if possible, one shall be an officer in the naval service of Her Majesty not below the rank of lieutenant, one a consular officer, and one a master of a British merchant ship, and the rest shall be either officers in the naval service of Her Majesty, masters of British merchant ships, or British merchants, and the court may include the officer summoning the same, but shall not include the master or consignee of the ship to which the parties complaining or complained against belong.
- (2) The naval or consular officer in the court, if there is only one such officer, or, if there is more than one, the naval or consular officer who, according to any regulations for

settling their respective ranks for the time being in force, is of the highest rank, shall be the president of the court.

482 Functions of naval courts.

- (1) A naval court shall hear the complaint or other matter brought before them under this Act, or investigate the cause of the wreck, abandonment, or loss, and shall do so in such manner as to give every person against whom any complaint or charge is made an opportunity of making a defence.
- (2) A naval court may, for the purpose of the hearing and investigation, administer an oath, summon parties and witnesses, and compel their attendance and the production of documents.

483 Powers of naval courts.

- (1) Every naval court may, after hearing and investigating the case, exercise the following powers; (that is to say,
 - (a) The court may, if unanimous that the safety of the ship or crew or the interest of the owner absolutely requires it, remove the master, and appoint another person to act in his stead; but no such appointment shall be made without the consent of the consignee of the ship if at the place where the case is heard:
 - (b) The court may, in cases in which they are authorised by this ' Act and subject to the provisions of this Act, cancel or suspend ' the certificate of any master, mate, or engineer:
 - (c) The court may discharge a seaman from his ship:
 - (d) The court may order the wages of a seaman so discharged or any part of those wages to be forfeited, and may direct the same either to be retained by way of compensation to the owner, or to be paid into the Exchequer, in the same manner as fines under this Act :
 - (e) The court may decide any questions as to wages or fines or forfeitures arising between any of the parties to the proceedings:
 - (f) The court may direct that all or any of the costs incurred by the master or owner of any ship in procuring the imprisonment of any seaman or apprentice in a foreign port, or in his maintenance whilst so imprisoned, shall be paid out of and deducted from the wages of that seaman or apprentice, whether then or subsequently earned:
 - (g) The court may exercise the same powers with regard to persons charged before them with the commission of offences at sea or abroad as British consular officers can under the Thirteenth Part of this Act:
 - (h) The court may punish any master of a ship or any of the crew of a ship respecting whose conduct a complaint is brought before them for any offence against this Act, which, when committed by the said master or member of the crew, is punishable on summary conviction, and shall for that purpose have the same powers as a court of summary jurisdiction would have if the case were tried in the United Kingdom:

Provided that—

- (i) where an offender is sentenced to imprisonment, the senior naval or consular officer present at the place where the court is held shall in writing confirm the sentence and approve the place of imprisonment,

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whether on land or on board ship, as a proper place for the purpose;
and

- (ii) copies of all sentences passed by any naval court summoned to hear any such complaint as aforesaid, shall be sent to the commander-in-chief or senior naval officer of the station:
 - (j) The court may, if it appears expedient, order a survey of any ship which is the subject of investigation to be made, and such survey shall accordingly be made, in the same way, and the surveyor who makes the same shall have the same powers as if such survey had been directed by a competent court in pursuance of the Fifth Part of this Act, in the course of proceedings against a seaman or apprentice for the offence of desertion.
 - (k) The court may order the costs of the proceedings before them, or any part of those costs, to be paid by any of the parties thereto, and may order any person making a frivolous or vexatious complaint to pay compensation for any loss or delay caused thereby; and any costs or compensation so ordered to be paid shall be paid by that person accordingly, and may be recovered in the same manner in which the wages of seamen are recoverable, or may, if the case admits, be deducted from the wages due to that person.
- (2) All orders duly made by a naval court under the powers hereby given to it, shall in any subsequent legal proceedings be conclusive as to the rights of the parties.
 - (3) All orders made by any naval court shall, whenever practicable, be entered in the official log-book of the ship to which the parties to the proceedings before the court belong, and signed by the president of the court.

484 Report of proceedings of naval courts.

- (1) Every naval court shall make a report to the Board of Trade containing the following particulars; (that is to say,)
 - (a) A statement of the proceedings of the court, together with the order made by the court, and a report of the evidence;
 - (b) An account of the wages of any seaman or apprentice who is discharged from his ship by the court;
 - (c) If summoned to inquire into a case of wreck or abandonment, a statement of the opinion of the court as to the cause of that wreck or abandonment, with such remarks on the conduct of the master and crew as the circumstances require.
- (2) Every such report shall be signed by the president of the court, and shall be admissible in evidence in manner provided by this Act.

485 Penalty for preventing complaint or obstructing investigation.

If any person wilfully and without due cause prevents or obstructs the making of any complaint to an officer empowered to summon a naval court, or the conduct of any hearing or investigation by any naval court, he shall for each offence be liable to a fine not exceeding fifty pounds, or be liable to imprisonment, with or without hard labour, for any period not exceeding twelve weeks.

486 Application of provisions as to naval courts.

- (1) The provisions of this Part of this Act with regard to naval courts on the high seas and abroad shall apply to all seagoing ships registered in the United Kingdom (with the exception, in their application elsewhere than in Scotland, of fishing boats exclusively employed in fishing on the coasts of the United Kingdom) and to all ships registered in a British possession, when those ships are out of the jurisdiction of their respective governments, and where they apply to a ship, shall apply to the owners, master, and crew of that ship.
- (2) For the purpose of the said provisions an unregistered British ship shall be deemed to have been registered in the United Kingdom.

Courts of Survey.

487 Constitution of court of survey.

- (1) A court of survey for a port or district shall consist of a judge sitting with two assessors.
- (2) The judge shall be such person as may be summoned for the case in accordance with the rules made under this Act with respect to that court, out of a list approved for the port or district by a Secretary of State, of wreck commissioners appointed under this Act, stipendiary or metropolitan police magistrates, judges of county courts, and other fit persons ; but in any special case in which the Board of Trade think it expedient to appoint a wreck commissioner, the judge shall be such wreck commissioner.
- (3) The assessors shall be persons of nautical, engineering, or other special skill and experience ; subject to the provisions of the Fifth Part of this Act as regards foreign ships, one of them shall be appointed by the Board of Trade, either generally or in each case, and the other shall be summoned, in accordance with the rules made as aforesaid, by the registrar of the court, out of a list of persons periodically nominated for the purpose by the local marine board of the port, or, if there is no such board, by a body of local shipowners or merchants approved for the purpose by a Secretary of State, or, if there is no such list, shall be appointed by the judge : If a Secretary of State thinks fit at any time, on the recommendation of the government of any British possession or any foreign country, to add any persons to any such list, those persons shall, until otherwise directed by the Secretary of State, be added to the list, and if there is no such list shall form the list.
- (4) The county court registrar or such other fit person as a Secretary of State may from time to time appoint shall be the registrar of the court, and shall, on receiving notice of an appeal or a reference from the Board of Trade, immediately summon the court to meet forthwith in manner directed by the rules.
- (5) The name of the registrar and his office, together with the rules made as aforesaid, relating to the court of survey, shall be published in the manner directed by the rules.
- (6) In the application of this section to Scotland the expression " judge of a county court " means a sheriff, and the expression " county court registrar " means sheriff clerk.
- (7) In the application of this section to Ireland the expression " stipendiary magistrate " includes any of the justices of the peace in Dublin metropolis and any resident magistrate.

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- (8) In the application of this section to the Isle of Man the expression " judge of a county court " means the water bailiff, the expression " stipendiary magistrate " means the high bailiff, the expression " registrar of a county court " means a clerk to a deemster or a clerk to justices of the peace.

488 Power and procedure of court of survey.

- (1) The court of survey shall hear every case in open court.
- (2) The judge and each assessor of the court may survey the ship, and shall have for the purposes of this Act all the powers of a Board of Trade inspector under this Act.
- (3) The judge of the court may appoint any competent person or persons to survey the ship and report thereon to the court.
- (4) The judge of the court, any assessor of the court, and any person appointed by the judge of the court to survey a ship, may go on board the ship and inspect the same and every part thereof, and the machinery, equipments, and cargo, and may require the unloading or removal of any cargo, ballast, or tackle, and any person who wilfully impedes such judge, assessor, or person in the execution of the survey, or fails to comply with any requisition made by him, shall for each offence be liable to a fine not exceeding ten pounds.
- (5) The judge of the court shall have the same power as the Board of Trade have to order the ship to be released or finally detained, but, unless one of the assessors concurs in an order for the detention of the ship, the ship shall be released.
- (6) The owner and master of the ship and any person appointed by the owner or master, and also any person appointed by the Board of Trade, may attend at any inspection or survey made in pursuance of this section.
- (7) The judge of the court shall send to the Board of Trade such report as may be directed by the rules, and each assessor shall either sign the report or report to the Board of Trade the reasons for his dissent.

489 Rules for procedure of court of survey, &c.

The Lord Chancellor may (with the consent of the Treasury so far as relates to fees) make general rules to carry into effect the provisions of this Act with respect to a court of survey, and in particular with respect to the summoning of, and procedure before, the court, the requiring on an appeal security for costs and damages, the amount and application of fees, and the publication of the rules, and those rules shall have effect as if enacted in this Act.

Scientific Referees.

490 Reference in difficult cases to scientific persons.

- (1) If the Board of Trade are of opinion that an appeal to a court of survey involves a question of construction or design Or of scientific difficulty or important principle, they may refer the matter to such one or more out of a list of scientific referees from time to time approved by a Secretary of State, as may appear to possess the special qualifications necessary for the particular case, and may be selected by agreement

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between the Board of Trade and the appellant, or in default of any such agreement by a Secretary of State, and thereupon the appeal shall be determined by the referee or referees, instead of by the court of survey.

- (2) The Board of Trade, if the appellant in any appeal so requires and gives security to the satisfaction of the Board to pay the costs of and incidental to the reference, shall refer that appeal to a referee or referees so selected as aforesaid.
- (3) The referee or referees shall have the same powers as a judge of the court of survey.

Payments to Officers of Courts.

491 Payments to officers of courts.

There may be paid out of money provided by Parliament to any wreck commissioner, judge of a court of survey, assessor in any court of survey or investigation under this Part of this Act, registrar of a court of survey, scientific referee, or any other officer or person appointed for the purpose of any court of survey or investigation under this Part of this Act, such salary or remuneration (if any) as the Treasury may direct.