



Merchant Shipping Law Amendment Act 1853

1853 CHAPTER 131

Salvage

XXXIX No Claim for Salvage Services to be allowed in respect of Loss or Risk of Her Majesty's Ships or Property.

In Cases where Salvage Services are rendered by any Ship belonging to Her Majesty, or by the Commander or Crew thereof, no Claim shall be made or allowed for any Loss, Damage, or Risk thereby caused to such Ship, or to the Stores, Tackle, or Furniture thereof, or for the Use of any Stores or other Articles belonging to Her Majesty supplied in order to effect the Salvage Service, or for any other Expense or Loss sustained by Her Majesty by reason of such Services.

XLI Steps to be taken when Salvage Services have been rendered by Her Majesty's Ships abroad.

Whenever Services for which Salvage is claimed are rendered to any Ship or Cargo, or to any Part of any Ship or Cargo, or to any Appurtenances of any Ship, at any Place out of the United Kingdom of *Great Britain and Ireland* and the Four Seas adjoining thereto, by the Commander or Crew or Part of the Crew of any of Her Majesty's Ships, the Property alleged to be salvaged shall, if the Salvor is justified by the Circumstances of the Case in detaining it at all, be taken to some Port where there is either a Consular Officer or Vice-Admiralty Court; and within Twenty-four Hours after arriving at such Port the said Salvor and the Master or other Person in charge of the Property alleged to be salvaged shall each deliver to the Consular Officer or Vice-Admiralty Judge there a Statement verified on Oath, specifying, so far as they respectively can, and so far as the Particulars required apply to the Case,

- a. The Place, Condition, and Circumstances in which the said Ship, Cargo, or Property was at the Time when the Services were rendered for which Salvage is claimed;
- b. The Nature and Duration of the Services rendered :

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And the Salvor shall add to his Statement,

- c. The Proportion of the Value of the said Ship, Cargo, and Property, and of the Freight which he claims for Salvage, or the Values at which he estimates the said Ship, Freight, Cargo, and Property respectively, and the several Amounts that he claims for Salvage in respect of the same ;
- d. Any other Circumstances he thinks relevant to the said Claim:

And the said Master or other Person in charge of the said Ship, Cargo, or Property shall add to his Statement,

- c. A Copy of the Certificate of Registry of the said Ship, and of the Indorsements thereon, stating any Change which (to his Knowledge or Belief) has occurred in the Particulars contained in such Certificate;
- d. The Name and Place of Business or Residence of the Freighter (if any) of the said Ship, and the Freight to be paid for the Voyage she is then on ;
- e. A general Account of the Quantity and Nature of the Cargo at the Time the Salvage Services were rendered;
- f. The Name and Place of Business or Residence of the Owner of such Cargo and of the Consignee thereof;
- g. The Values at which the said Master estimates the said Ship, Cargo, and Property, and the Freight respectively, or, if he thinks fit, in lieu of such estimated Value of the Cargo, a Copy of the Ship's Manifest;
- h. The Amounts which the Master thinks should be paid as Salvage for the Services rendered ;
- i. An accurate List of the Property saved, in Cases where the Ship is not saved ;
- j. An Account of the Proceeds of the Sale of the said Ship, Cargo, or Property, in Cases where the same or any of them are sold at such Port as aforesaid ;
- k. The Number, Capacities, and Condition of the Crew of the said Ship at the Time the said Services were rendered ;
- l. Any other Circumstances he thinks relevant to the Matters in question ;
- m. A Statement of his Willingness to execute a Bond, in the Form in the Schedule hereto annexed, in such Amount as the said Consular Officer or Vice-Admiralty Judge shall fix.

XLII Consular Officer or Judge to fix Amount for which a Bond is to be given ; and to send Notice thereof to the Master.

The said Consular Officer or Vice-Admiralty Judge, as the Case may be, shall, within Four Days after receiving the aforesaid Statements, fix the Amount to be inserted in the said Bond at such Sum as he shall to the best of his Judgment think to be sufficient to answer the Demand for the Salvage Services rendered, but so that such Sum shall never exceed One Half of the Value which he puts upon the said Ship, Freight, and Cargo, or those of them or the Parts thereof in respect of which Salvage is claimed; and the said Consular Officer or Judge may, if either of the aforesaid Statements is not delivered to him within the Time hereby required, proceed ex parte; but he shall in no Case under this Act require the Cargo to be unladen ; and the said Consular Officer may in any Proceeding under this Act relating to Salvage take Affidavits and receive Affirmations.

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XLIII On Master executing Bond, the Right of Detention to cease.

The said Consular Officer or Judge shall send Notice of the Sum which he has so fixed as aforesaid to the said Salvor and the said Master or other Person in charge as aforesaid; and upon such Master or other Person executing a Bond in the Form in the Schedule hereto annexed, with the said Sum inserted therein, in the Presence of the said Consul or Judge (who shall attest the same), and delivering the same to the said Salvor, the Right of the said Salvor to detain or retain Possession of the said Ship, Cargo, or Property, or any of them, in respect of the said Salvage Claim, shall cease.

XLIV Provision for additional Security in' the Case of Ships owned by Persons resident out of Her Majesty's Dominions.

Provided, That if the Ship, Cargo, or Property in respect of which the Claim for Salvage is made, is not owned by Persons domiciled in Her Majesty's Dominions, the Right of the Salvor to detain or retain Possession thereof shall not cease unless the Master or other Person in charge thereof procures, in addition to the said Bond, such Security for the due Performance of the Conditions thereof as the said Officer or Judge considers sufficient for the Purpose, and places the same in the Possession or Custody of the said Officer or Judge, or, if the Salvor so desires, in the Possession or Custody of the said Officer or Judge jointly with any other Person whom the said Salvor may appoint for the Purpose.

XLV Documents to be sent to England.

The said Consular Officer or Judge shall at the earliest Opportunity transmit the said Statements and Documents so sent to him as aforesaid, and a Notice of the Sum he has so fixed as aforesaid, to the High Court of Admiralty of *England*, or if the said Salvor and the said Master or other Person in charge as aforesaid agree that the said Bond shall be adjudicated upon by any Vice-Admiralty Court, to such Court.

XLVI Whom the Bond shall bind.

The said Bond shall bind the respective Owners of the said Ship, Freight, and Cargo, and their respective Heirs, Executors, and Administrators, for the Salvage adjudged to be payable in respect of the said Ship, Freight, and Cargo respectively.

XLVII Court in which it is to be adjudicated on.

The said Bond shall be adjudicated on and enforced by the High Court of Admiralty in *England*, or if the said Salvor and Master or other Person at the Time of the Execution of the said Bond agree upon any Vice-Admiralty Court, then by such Vice-Admiralty Court; and any such Vice-Admiralty Court shall and may, in every Proceeding under this Act, have and exercise all and singular the Powers and Authorities whatsoever which the said High Court of Admiralty now has or at any Time may have in any Proceeding whatsoever before it; and in Cases where any Security for the due Performance of the Conditions of the said Bond has been placed in the Possession or Custody of the said Consular Officer or Vice-Admiralty Judge, or of such Officer or Judge jointly with any other Person, they shall respectively deal with the said Security in such Manner as the Court which adjudicates on the Bond may direct.

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XLVIII Power of High Court of Admiralty to enforce Bonds.

The said High Court of Admiralty shall have Power to enforce any Bond given in pursuance of this Act in any Vice-Admiralty Court in any Part of Her Majesty's Dominions; and all Courts in *Scotland, Ireland*, and the Islands of *Jersey, Guernsey, Alderney, Sark, and Man* exercising Admiralty Jurisdiction shall upon Application aid and assist the High Court of Admiralty in enforcing the said Bonds.

XLIX Saving Clause.

Any such Salvor as aforesaid of any Ship, Cargo, or Property who may elect not to proceed under this Act, shall have no Power to detain the said Ship, Cargo, or Property, but may -proceed otherwise for the Enforcement of his Salvage Claim as if this Act had not been passed; and nothing in this Act contained shall abridge or affect the Rights of Salvors, except in the Cases by it provided for.

L Voluntary Agreements may be made which shall have the same Effect as the Bonds above mentioned.

Whenever Services for which Salvage is claimed are rendered either by the Commander or Crew or Part of the Crew of any of Her Majesty's Ships, or of any other Ship, and the Salvor voluntarily agrees to abandon his Lien upon the Ship, Cargo, and Property alleged to be salvaged, upon the Master or other Person in charge thereof entering into a written Agreement, attested by Two Witnesses, to abide the Decision of the said High Court of Admiralty or of any Vice-Admiralty Court, and thereby giving Security in that Behalf to such Amount as may be agreed on by the Parties to the said Agreement, such Agreement shall bind the said Ship and the said Cargo and the Freight payable therefor respectively, and the respective Owners of the said Ship, Freight, and Cargo for the Time being, and their respective Heirs, Executors, and Administrators, for the Salvage which may be adjudged to be payable in respect of the said Ship, Cargo, and Freight respectively to the Extent of the Security so given as aforesaid, and may be adjudicated upon and enforced in the same Manner as the Bonds above mentioned; and upon such Agreement being made, the Salvor and the Master or other Person in charge as aforesaid shall respectively make such Statements as are herein-before required to be made by them in case of a Bond being given, except that such Statements need not be made upon Oath ; and the Salvor shall, as soon as practicable, transmit the said Agreement and the said Statements to the Court in which the said Agreement is to be adjudicated upon.

LI Documents free from Duty.

All Bonds, Statements, Agreements, and other Documents made or executed in pursuance of such Parts of this Act as relate to Salvage shall, if so made or executed out of the United Kingdom, be exempt from Stamp Duty, and shall be received in Evidence, though unstamped.