



Merchant Shipping Act 1894

1894 CHAPTER 60

PART II

MASTERS AND SEAMEN.

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—

Status: This is the original version (as it was originally enacted).

(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.

(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

Status: This is the original version (as it was originally enacted).

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

Status: This is the original version (as it was originally enacted).

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.