



# Merchant Shipping Act 1894

## 1894 CHAPTER 60

### PART IX

#### WRECK AND SALVAGE.

##### *Salvage by Her Majesty's Ships.*

#### **557 Salvage by Her Majesty's ships.**

- (1) Where salvage services are rendered by any ship belonging to Her Majesty or by the commander or crew thereof, no claim shall be allowed for any loss, damage, or risk caused to the ship or her stores, tackle, or furniture, or for the use of any stores or other articles belonging to Her Majesty, supplied in order to effect those services, or for any other expense or loss sustained by Her Majesty by reason of that service, and no claim for salvage services by the commander or crew, or part of the crew of any of Her Majesty's ships shall be finally adjudicated upon, unless the consent of the Admiralty to the prosecution of that claim is proved.
- (2) Any document purporting to give the consent of the Admiralty for the purpose of this section, and to be signed by the Secretary to the Admiralty or on his behalf, shall be evidence of that consent.
- (3) If a claim is prosecuted and the consent is not proved, the claim shall stand dismissed with costs.

#### **558 Salvage by Her Majesty's ships abroad.**

- (1) Where services are rendered at any place out of the limits of the United Kingdom or the four seas adjoining thereto by the commander or any of the crew of any of Her Majesty's ships, in saving any vessel or cargo or property belonging to a vessel, the vessel, cargo, or property, alleged to be saved shall, if the salvor is justified by the circumstances of the case in detaining it, be taken to some port where there is a consular officer or a Colonial Court of Admiralty, or a Vice-Admiralty Court.

- (2) The salvor and the master, or other person in charge of the vessel, cargo, or property, saved shall within twenty-four hours after arriving at the port each deliver to the consular officer or judge of the Colonial Court of Admiralty or Vice-Admiralty Court, as the case may be, a statement on oath, specifying so far as possible, and so far as those particulars are applicable, the particulars set out in the first part of the Nineteenth Schedule to this Act, and also in the case of the master or other person his willingness to execute a bond in the form, so far as circumstances will permit, set out in the second part of that schedule.

#### **559 Provisions as to bond to be executed.**

- (1) The bond shall be in such sum as the consular officer or judge thinks sufficient to answer the demand for salvage service, but the sum fixed shall not exceed one half of the amount which, in the opinion of the consular officer or judge, is the value of the property in respect of which salvage has been rendered.
- (2) Where the vessel, cargo, or property in respect of which salvage services are rendered is not owned by persons domiciled in Her Majesty's dominions, the master shall procure such security for the due performance of the bond as the consular officer or judge thinks sufficient to be lodged with that officer or judge, or with that officer or judge and such other persons jointly as the salvor may appoint.
- (3) The consular officer or judge shall fix the amount of the bond within four days after the receipt of the statements required by this Part of this Act, but if either of those statements is not delivered within the time required by this Part of this Act, he may proceed ex parte.
- (4) A consular officer may for the purposes of this section take affidavits.
- (5) Nothing in this section shall authorise the consular officer or judge to require the cargo of any ship to be unladen.

#### **560 Execution of bond.**

- (1) The consular officer or judge on fixing the sum to be inserted in the bond shall send notice thereof to the salvor and master, and on the execution of the bond by the master in the sum fixed in the presence of the consular officer or judge (who shall attest the same), and upon delivery thereof to the salvor, and in cases where security is to be lodged, on that security being duly lodged, the right of the salvor to detain the vessel, cargo, or property shall cease.
- (2) The bond shall bind the respective owners of the vessel, cargo, and freight, and their heirs, executors, and administrators, for the salvage adjudged to be payable in respect of the vessel, cargo, and freight respectively.

#### **561 Enforcement of bond.**

- (1) The bond shall be adjudicated on and enforced in the High Court in England, unless the salvor and master agree at the time of the execution of the bond that the bond maybe adjudicated on and enforced in any specified Colonial Court of Admiralty or Vice-Admiralty Court, but that court shall in that case have the same power and authorities for the purpose as the High Court in England.

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

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- (2) The High Court in England shall have power to enforce any bond given in pursuance of this Part of this Act in any Colonial Court of Admiralty or Vice-Admiralty Court in any part of Her Majesty's dominions, and any court exercising Admiralty jurisdiction in Scotland, Ireland, the Isle of Man, or the Channel Islands shall assist that court in enforcing those bonds.
- (3) Where security has been given for the performance of a bond, the persons with whom the security is lodged shall deal with the same as the court adjudicating upon the bond direct.
- (4) The consular officer or judge shall at the earliest opportunity transmit the statements and documents delivered to him, and the notice of the sum fixed in the bond to the High Court in England or the Colonial Court of Admiralty or Vice-Admiralty Court in which the bond is to be enforced, as the case may be.

**562 Saving for other salvage rights.**

- (1) Nothing contained in this Part of this Act shall 'prejudice the right of the salvor, where salvage services have been rendered by one of Her Majesty's ships, or by the commander or any of the crew thereof, to proceed for the enforcement of the salvage claim otherwise than in manner provided by this Act, but the salvor shall have no right to detain the vessel, cargo, or property saved, unless he elects to proceed under this Part of this Act.
- (2) Nothing contained in this Part of this Act shall affect the right of the salvor, where salvage services have been rendered by one of Her Majesty's ships or by the commander or any of the crew thereof, in any case which is not provided for therein.

**563 Exemption from stamp duty.**

Any bond, statement, agreement, or other document made or executed in pursuance of the provisions of this Part of this Act relating to salvage by Her Majesty's ships shall, if made or executed out of the United Kingdom, be exempt from stamp duty.

**564 Punishment for forgery and false representations.**

If any person in any proceeding under the provisions of this Part of this Act relating to salvage by Her Majesty's ships—

- (a) forges, assists in forging, or procures to be forged, fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any document; or
- (b) puts off or makes use of any forged (or altered document) knowing the same to be so forged or altered ; or
- (c) gives or makes, or assists in giving or making, or procures to be given or made, any false evidence or representation, knowing the same to be false,

that person shall for each offence be liable to imprisonment, with or without hard labour, for any period not exceeding two years, or, on summary conviction, to imprisonment, with or without hard labour, for any period not exceeding six months.