



Merchant Shipping Act 1894

1894 CHAPTER 60

PART V

SAFETY.

Carriage of Grain.

452 Obligation to take precautions to prevent grain cargo from shifting.

- (1) Where a grain cargo is laden on board any British ship all necessary and reasonable precautions (whether mentioned in this Part of this Act or not) shall be taken in order to prevent the grain cargo from shifting.
- (2) If those precautions have not been taken in the case of any British ship, the master of the ship and any agent of the owner who was charged with the loading of the ship or the sending of her to sea, shall each be liable to a fine not exceeding three hundred pounds, and the owner of the ship shall also be liable to the same fine, unless he shows that he took all reasonable means to enforce the observance of this section, and was not privy to the breach thereof.

453 Precautions against shifting of grain cargo laden in port in Mediterranean or Black Sea, or on coast of North America.

- (1) Where a British ship laden with a grain cargo at any port in the Mediterranean or Black Sea is bound to ports outside the Straits of Gibraltar, or where a British ship is laden with a grain cargo on the coast of North America, the precautions to prevent the grain cargo from shifting, set out in the Eighteenth Schedule to this Act, shall be adopted, unless the ship is loaded in accordance with regulations for the time being approved by the Board of Trade, or is constructed and loaded in accordance with any plan approved by the Board of Trade.
- (2) If this section is not complied with in the case of any ship, reasonable precautions to prevent the grain cargo of that ship from shifting shall be deemed not to have been

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taken, and the owner and master of the ship and any agent charged with loading her or sending her to sea shall be liable accordingly to a fine under this Part of this Act.

- (3) Nothing in this section shall exempt a person from any liability, civil or criminal, to which he would otherwise be subject for failing to adopt any reasonable precautions which, although not mentioned in this section, are reasonably required to prevent grain cargo from shifting.

454 Notice by master of kind and quantity of grain cargo.

- (1) Before a British ship laden with grain cargo at any port in the Mediterranean or Black Sea and bound to ports outside the Straits of Gibraltar, or laden with grain cargo on the coast of North America, leaves her final port of loading, or within forty-eight hours after leaving that port, the master shall deliver or cause to be delivered to the British consular officer, or, if the port is in a British possession, to the chief officer of customs, at that port, a notice stating—
- (a) the draught of water and clear side, as defined by this Part of this Act, of the said ship after the loading of her cargo has been completed at the said final port of loading; and
 - (b) the following particulars in respect to the grain cargo; namely,—
 - (i) the kind of grain and the quantity thereof, which quantity may be stated in cubic feet, or in quarters, or bushels, or in tons weight; and
 - (ii) the mode in which the grain cargo is stowed; and
 - (iii) the precautions taken against shifting.
- (2) The master shall also deliver a similar notice to the proper officer of customs in the United Kingdom, together with the report required to be made by the Customs Consolidation Act, 1876, on the arrival of the ship in the United Kingdom.
- (3) Every such notice shall be sent to the Board of Trade, as soon as practicable, by the officer receiving the same.
- (4) If the master fails to deliver any notice required by this section, or if in any such notice he wilfully makes a false statement or wilfully omits a material particular, he shall for each offence be liable to a fine not exceeding one hundred pounds.
- (5) The Board of Trade may, by notice published in the London Gazette, or in such other way as the Board think expedient, exempt ships laden at any particular port or any class of those ships from this section.

455 Power of Board of Trade for enforcing provisions as to carriage of grain.

For securing the observance of the provisions of this Part of this Act with respect to grain cargo, any officer having authority in that behalf from the Board of Trade, either general or special, shall have power to inspect any grain cargo, and the mode in which the same is stowed, and for that purpose shall have all the powers of a Board of Trade inspector under this Act.

456 Definition of grain, &c.

For the purpose of the provisions of this Part of this Act with respect to grain cargo—

The expression " grain " means any corn, rice, paddy, pulse, seeds, nuts, or nut kernels.

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The expression " ship laden with a grain cargo " means a ship carrying a cargo of which the portion consisting of grain is more than one third of the registered tonnage of the ship, and that third shall be computed, where the grain is reckoned in measures of capacity, at the rate of one hundred cubic feet for each ton of registered tonnage, and where the grain is reckoned in measures of weight, at the rate of two tons weight for each ton of registered tonnage.