



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.

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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.