



# Merchant Shipping Act 1894

## 1894 CHAPTER 60

### PART VIII

#### LIABILITY OF SHIPOWNERS.

**502 Limitation of shipowner's liability in certain cases of loss of, or damage to, goods.**

The owner of a British sea-going ship, or any share therein, shall not be liable to make good to any extent whatever any loss or damage happening without his actual fault or privity in the following cases ; namely,—

- (i) Where any goods, merchandise, or other things whatsoever taken in or put on board his ship are lost or damaged by reason of fire on board the ship ; or
- (ii) Where any gold, silver, diamonds, watches, jewels, or precious stones taken in or put on board his ship, the true nature and value of which have not at the time of shipment been declared by the owner or shipper thereof to the owner or master of the ship in the bills of lading or otherwise in writing, are lost or damaged by reason of any robbery, embezzlement, making away with, or secreting thereof.

**503 Limitation of owner's liability in certain cases of loss of life, injury, or damage.**

- (1) The owners of a ship, British or foreign, shall not, where all or any of the following occurrences take place without their actual fault or privity; (that is to say,)
  - (a) Where any loss of life or personal injury is caused to any person being carried in the ship;
  - (b) Where any damage or loss is caused to any goods, merchandise, or other things whatsoever on board the ship;
  - (c) Where any loss of life or personal injury is caused to any person carried in any other vessel by reason of the improper navigation of the ship ;
  - (d) Where any loss or damage is caused to any other vessel, or to any goods, merchandise, or other things whatsoever on board any other vessel, by reason of the improper navigation of the ship;

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*Status: This is the original version (as it was originally enacted).*

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be liable to damages beyond the following amounts; (that is to say,)

- (i) In respect of loss of life or personal injury, either alone or together with loss of or damage to vessels, goods, merchandise, or other things, an aggregate amount not exceeding fifteen pounds for each ton of their ship's tonnage ; and
- (ii) In respect of loss of, or damage to, vessels, goods, merchandise, or other things, whether there be in addition loss of life or personal injury or not, an aggregate amount not exceeding eight pounds for each ton of their ship's tonnage.

(2) For the purposes of this section—

- (a) The tonnage of a steam ship shall be her gross tonnage without deduction on account of engine room; and the tonnage of a sailing ship shall be her registered tonnage:

Provided that there shall not be included in such tonnage any space occupied by seamen or apprentices and appropriated to their use which is certified under the regulations scheduled to this Act with regard thereto.

- (b) Where a foreign ship has been or can be measured according to British law, her tonnage, as ascertained by that measurement shall, for the purpose of this section, be deemed to be her tonnage.
- (c) Where a foreign ship has not been and cannot be measured according to British law, the surveyor-general of ships in the United Kingdom, or the chief measuring officer of any British possession abroad, shall, on receiving from or by the direction of the court hearing the case, in which the tonnage of the ship is in question, such evidence concerning the dimensions of the ship as it may be practicable to furnish, give a certificate under his hand stating what would in his opinion have been the tonnage of the ship if she had been duly measured according to British law, and the tonnage so stated in that certificate shall, for the purposes of this section, be deemed to be the tonnage of the ship.

(3) The owner of every sea-going ship or share therein shall be liable in respect of every such loss of life, personal injury, loss of or damage to vessels, goods, merchandise, or things as aforesaid arising on distinct occasions to the same extent as if no other loss, injury, or damage had arisen.

#### **504 Power of courts to consolidate claims against owners, &c.**

Where any liability is alleged to have been incurred by the owner of a British or foreign ship in respect of loss of life, personal injury, or loss of or damage to vessels or goods, and several claims are made or apprehended in respect of that liability, then, the owner may apply in England and Ireland to the High Court, or in Scotland to the Court of Session, or in a British possession to any competent court, and that court may determine the amount of the owner's liability and may distribute that amount rateably among the several claimants, and may stay any proceedings pending in any other court in relation to the same master, and may proceed in such manner and subject to such regulations as to making persons interested parties to the proceedings, and as to the exclusion of any claimants who do not come in within a certain time, and as to requiring security from the owner, and as to payment of any costs, as the court thinks just.

**505 Part owners to account in respect of damages.**

All sums paid for or on account of any loss or damage in respect whereof the liability of owners is limited under the provisions of this Part of the Act, and all costs incurred in relation thereto, may be brought into account among part owners of the same ship in the same manner as money disbursed for the use thereof.

**506 Insurances of certain risks not invalid.**

An insurance effected against the happening, without the owner's actual fault or privity, of any or all of the events in respect of which the liability of owners is limited under this Part of this Act shall not be invalid by reason of the nature of the risk.

**507 Proof of passengers on board ship.**

In any proceeding under this Part of this Act against the owner of a ship or share therein with respect to loss of life, the passenger lists under the Third Part of this Act shall be received as evidence that the person upon whose death proceedings are taken under this Part of this Act was a passenger on board the ship at the time of death.

**508 Liability in certain cases not affected.**

Nothing in this Part of this Act shall be construed to lessen or take away any liability to which any master or seaman, being also owner or part owner of the ship to which he belongs, is subject in his capacity of master or seaman, or to extend to any British ship which is not recognised as a British ship within the meaning of this Act.

**509 Extent of Part VIII.**

This Part of this Act; shall, unless the context otherwise requires, extend to the whole of Her Majesty's dominions.