



# Merchant Shipping Act 1894

## 1894 CHAPTER 60

### PART V

#### SAFETY.

##### *Unseaworthy Ships.*

#### **457 Sending unseaworthy ship to sea a misdemeanor.**

- (1) If any person sends or attempts to send, or is party to sending or attempting to send, a British ship to sea in such an unseaworthy state that the life of any person is likely to be thereby endangered, he shall in respect of each offence be guilty of a misdemeanor, unless he proves either that he used all reasonable means to insure her being sent to sea in a seaworthy state, or that her going to sea in such an unseaworthy state was, under the circumstances, reasonable and justifiable, and for the purpose of giving that proof he may give evidence in the same manner as any other witness.
- (2) If the master of a British ship knowingly takes the same to sea in such an unseaworthy state that the life of any person is likely to be thereby endangered, he shall in respect of each offence be guilty of a misdemeanor, unless he proves that her going to sea in such an unseaworthy state was, under the circumstances, reasonable and justifiable, and for the purpose of giving such proof he may give evidence in the same manner as any other witness.
- (3) A prosecution under this section shall not, except in Scotland, be instituted otherwise than by, or with the consent of, the Board of Trade, or of the governor of the British possession in which the prosecution takes place.
- (4) A misdemeanor under this section shall not be punishable upon summary conviction.
- (5) This section shall not apply to any ship employed exclusively in trading or going from place to place in any liver or inland water of which the whole or part is in any British possession.