



# Merchant Shipping Law Amendment Act 1853

## CHAPTER 131

### MERCHANT SHIPPING LAW AMENDMENT ACT 1853

#### *Preliminary*

- I Interpretation of Terms in this Act.
- II Short Title.
- III Commencement of Act.

#### *Light Dues and other Dues on Shipping*

- IV The Light Dues payable to the *Trinity House*, Northern Light Commissioners, and Ballast Board, and the Ballast Rates of the *Trinity House*, to form the Mercantile Marine Fund.
- V Account of the said Fund to be kept by Her Majesty's Paymaster General.
- VI Establishments for Lighthouses and Ballastage charged on the Mercantile Marine Fund to be fixed by Her Majesty in Council.
- VII Estimates and Accounts for other Expenses to be approved by the Board of Trade.
- VIII No Expense to be allowed unless sanctioned by Board of Trade.
- IX For the Purpose of erecting and repairing Lighthouses, &c., Treasury may advance Money.
- X Power to Board of Trade to borrow Money on the Credit of the Fund.
- XI Her Majesty may, by Order in Council, fix Tolls to be taken for new Lighthouses.
- XII Provisions for existing Debts and Charges.
- XIII Power to commute Pensions and grant Superannuation Allowances.
- XIV Application of Ballastage Rates.

- XV Light Dues, &c. to be revised by Her Majesty in Council.
- XVI Fees received by the Board of Trade to be applied only in Payment for Services.
- XVII Trinity House, &c. to account for Receipt and Expenditure to the Board of Trade.
- XIX Accounts of Mercantile Marine Fund to be audited by Commissioners of Audit.
- XX Board of Trade may appoint Persons to inspect Lighthouses.
- XXI Section 43 of 6 & 7 W.4, c.79 repealed, and Trinity House, with Sanction of Board of Trade, to make Suggestions and give Directions to the other Lighthouse Boards.
- XXII Property used for the Purpose of the said Services to be exempt from all Rates and Taxes.
- XXIII Provisions & 9 Vict. c.19, to apply to Land purchased for Lighthouses.
- XXIV Dues levied on Ships not to be sold or charged without Consent of the Board of Trade.

#### *Board of Trade Accounts*

- XXV Sections 18 117 & 118 of 13 & 14 Vict. c. 93, ss.29 & 31 of 14 & 15 Vict. c.96, and ss.27 28 36 51 & 56 of 14 & 15 Vict. c.102 repealed.
- XXVI Penalties under Merchant Seamen's Act to be paid into Exchequer.
- XXVII Mode of dealing with Wages, &c. of deceased Seamen.
- XXVIII Property belonging to Merchant Seamen's Fund to be paid into Exchequer.
- XXIX Expenses of Merchant Seamen's Fund to be provided for by annual Vote.
- XXX Gross Sum to be paid to Seamen's Hospital Society in lieu of annual Payments.

#### *Manning*

- XXXI So much of 12 & 13 Vict. c.29 as relates to manning, repealed.
- XXXII Declaration to be made by Transferees of British Ships for the Purpose of proving themselves to be British Subjects.
- XXXIII Ships unduly assuming British Character may be seized and brought in for Adjudication.
- XXXIV If the Simulation is proved, the Ship may be condemned.

#### *Volunteering into the Navy*

- XXXV So much of 7 & 8 Vict. c.112 as to Wages, instead of being paid at once, to be given to the Queen's Officer on account of the Seaman, repealed.
- XXXVI If new Seamen are engaged instead of the original Sea men, the Owner may apply for Repayment of the extra Expense he has been put to. Application to be decided on, and Certificate for Amount given. Costs not exceeding 5l per Man may be given.
- XXXVII Accountant General to pay Sums so certified.

#### *Desertion*

- XXXVIII Seamen imprisoned for Desertion or Breach of Discipline may be sent on board before the Termination of the Sentence.

*Lascar Seamen for Australia*

- XL Contracts may be made with Natives in India under certain Conditions binding them to go to Australia, and thence to serve in other Ships to the United Kingdom.

*Salvage*

- XXXIX No Claim for Salvage Services to be allowed in respect of Loss or Risk of Her Majesty's Ships or Property.
- XLI Steps to be taken when Salvage Services have been rendered by Her Majesty's Ships abroad.
- XLII Consular Officer or Judge to fix Amount for which a Bond is to be given ; and to send Notice thereof to the Master.
- XLIII On Master executing Bond, the Right of Detention to cease.
- XLIV Provision for additional Security in' the Case of Ships owned by Persons resident out of Her Majesty's Dominions.
- XLV Documents to be sent to England.
- XLVI Whom the Bond shall bind.
- XLVII Court in which it is to be adjudicated on.
- XLVIII Power of High Court of Admiralty to enforce Bonds.
- XLIX Saving Clause.
  - L Voluntary Agreements may be made which shall have the same Effect as the Bonds above mentioned.
  - LI Documents free from Duty.

*Penal Clauses*

- LII Punishment for Forgery and false Representations.
- LIII Mode of Procedure in Criminal Cases.

*Procedure in Scotland under Merchant Service Acts*

- LIV All Offences under 7 & 8 Vict. c.112, 8 & 9 Vict. c.116, 13 & 14 Vict. c.93 14 & 15 Vict. c.96, 14 & 15 Vict. c.79 14 & 15 Vict. c.103 punishable as Misdemeanors.
- LV Summary Proceedings.
- LVI Penalties how to be sued for.

*Procedure in Scotland*

- LVII Form of Complaint, &c.
- LVIII Mode of requiring Appearance of Defender and Witnesses.
- LIX Backing Arrestments.
- LX Compelling Attendance of Witnesses.
- LXI Proceedings to be viva voce.
- LXII Power to adjourn.
- LXIII Sentence to be in Writing. Imprisonment to be inflicted in default of Payment.
- LXIV Sentence, Penalties, &c. in default of Defender's Appearance.
- LXV Warrant to apprehend in default of Appearance.
- LXVI Backing Sentences or Decrees.
- LXVII Orders not to be quashed for Want of Form; and to be final.
- LXVIII General Rules, so far as applicable, to extend to Penalties and Proceedings in Scotland.

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The SCHEDULE —  
referred to in the  
foregoing Act.