



# Merchant Shipping Act 1894

1894 CHAPTER 60 57 and 58 Vict

## PART I

### REGISTRY

#### Modifications etc. (not altering text)

- C1 Pt. I extended by [Merchant Shipping Act 1921 \(c. 28\), s. 1](#)
- C2 Pt. I (ss. 1–91) excluded by [Merchant Shipping Act 1983 \(c. 13, SIF 111\), s. 5\(2\)](#)
- C3 Pt. I (ss. 1–91) excluded by [Merchant Shipping Act 1988 \(c. 12, SIF 111\), s. 13\(2\)\(a\)](#), (with s. 58(4), Sch. 8 para. 1)
- C4 Pt. I (ss. 1–91) amended by [Merchant Shipping Act 1988 \(c. 12, SIF 111\), ss. 3\(1\), 4, 10\(2\)](#), (with s. 58(4), Sch. 8 para. 1)
- C5 Pt. I (ss. 1–91) excluded by [S.I. 1988/1911, art. 5](#)
- C6 Pt. I (down to and including s. 67) applied with modifications by [Merchant Shipping Act 1988 \(c. 12, SIF 111\), s. 47\(3\)\(7\)](#), (with s. 58(4), Sch. 8 para. 1)
- C7 Pt. I (ss. 1–91) extended by [S.I. 1988/1926, reg. 45](#)
- C8 Pt. I (ss. 1–91) restricted by [S.I. 1991/770, art. 3\(1\)](#).
- C9 Pt. I (ss. 1–91) restricted (13.8.1992) by [S.I. 1992/1736, art. 3](#)

1–3 ..... F1

#### Textual Amendments

- F1 Ss. 1–3 repealed and superseded by [Merchant Shipping Act 1988 \(c. 12, SIF 111\), ss. 1, 10, 57\(5\), Sch. 1 para. 1, Sch. 7](#), (with s. 58(4), Sch. 8 para. 1)

Status: Point in time view as at 21/03/1994.

Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1894, Part I. (See end of Document for details)

Procedure for Registration

- 4 <sup>F2</sup>(1) .....
- (2) ..... <sup>F3</sup>
- <sup>F2</sup>(3) .....

Textual Amendments

- F2** S. 4(1)(3) repealed (21.3.1994) by 1993 c. 22, s. 8(4), Sch. 5 Pt.I; S.I 1993/3137, art. 3(1)
- F3** S. 4(2) repealed by Merchant Shipping Act 1988 (c. 12, SIF 111), ss. 10, 57(5), Sch. 1 para. 2(b), Sch. 7, (with s. 58(4), Sch. 8 para. 1)

- <sup>F4</sup>5 .....

Textual Amendments

- F4** S. 5 repealed (21.3.1994) by 1993 c. 22, s. 8(4), Sch. 5 Pt.I; S.I 1993/3137, art. 3(1)

- <sup>F5</sup>6 .....

Textual Amendments

- F5** S. 6 repealed (21.3.1994) by 1993 c. 22, s. 8(4), Sch. 5 Pt.I; S.I 1993/3137, art. 3(1)

- <sup>F6</sup>7 .....

Textual Amendments

- F6** S. 7 repealed (21.3.1994) by 1993 c. 22, s. 8(4), Sch. 5 Pt.I; S.I 1993/3137, art. 3(1)

- <sup>F7</sup>8 .....

Textual Amendments

- F7** S. 8 repealed (21.3.1994) by 1993 c. 22, s. 8(4), Sch. 5 Pt.I; S.I 1993/3137, art. 3(1)

- <sup>F8</sup>9 .....

*Status: Point in time view as at 21/03/1994.*

*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1894, Part I. (See end of Document for details)*

**Textual Amendments**

**F8** S. 9 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

<sup>F9</sup>**10** .....

**Textual Amendments**

**F9** S. 10 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

<sup>F10</sup>**11** .....

**Textual Amendments**

**F10** S. 11 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

<sup>F11</sup>**12** .....

**Textual Amendments**

**F11** S. 12 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt. I**; S.I 1993/3137, art. 3(1)

<sup>F12</sup>**13** .....

**Textual Amendments**

**F12** S. 13 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

*Certificate of Registry*

<sup>F13</sup>**14** .....

**Textual Amendments**

**F13** S. 14 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

<sup>F14</sup>**15** .....

*Status: Point in time view as at 21/03/1994.*

*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1894, Part I. (See end of Document for details)*

**Textual Amendments**

**F14** S. 15 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

<sup>F15</sup> **16** .....

**Textual Amendments**

**F15** S. 16 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

<sup>F16</sup> **17** .....

**Textual Amendments**

**F16** S. 17 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt. I**; S.I 1993/3137, art. 3(1)

<sup>F17</sup> **18** .....

**Textual Amendments**

**F17** S. 18 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

**19** ..... <sup>F18</sup>

**Textual Amendments**

**F18** S. 19 repealed by Merchant Shipping Act 1988 (c. 12, SIF 111), ss. 10, 57(5), Sch. 1 para. 11, **Sch. 7**, (with s. 58(4), Sch. 8 para. 1)

<sup>F19</sup> **20** .....

**Textual Amendments**

**F19** S. 20 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

<sup>F20</sup> **21** .....

**Textual Amendments**

**F20** S. 21 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

*Status: Point in time view as at 21/03/1994.*

*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1894, Part I. (See end of Document for details)*

F21 **22** .....

**Textual Amendments**

F21 S. 22 repealed (21.3.1994) by 1993 c. 22, s. 8(4), Sch. 5 Pt.I; S.I 1993/3137, art. 3(1)

F22 **23** .....

**Textual Amendments**

F22 S. 23 repealed (21.3.1994) by 1993 c. 22, s. 8(4), Sch. 5 Pt.I; S.I 1993/3137, art. 3(1)

*Transfers and Transmissions*

F23 **24** .....

**Textual Amendments**

F23 S. 24 repealed (21.3.1994) by 1993 c. 22, s. 8(4), Sch. 5 Pt.I; S.I 1993/3137, art. 3(1)

F24 **25** .....

**Textual Amendments**

F24 S. 25 repealed (21.3.1994) by 1993 c. 22, s. 8(4), Sch. 5 Pt.I; S.I 1993/3137, art. 3(1)

F25 **26** .....

**Textual Amendments**

F25 S. 26 repealed (21.3.1994) by 1993 c. 22, s. 8(4), Sch. 5 Pt.I; S.I 1993/3137, art. 3(1)

F26 **27** .....

**Textual Amendments**

F26 S. 27 repealed (21.3.1994) by 1993 c. 22, s. 8(4), Sch. 5 Pt.I; S.I 1993/3137, art. 3(1)

F27 **28** .....

*Status: Point in time view as at 21/03/1994.*

*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1894, Part I. (See end of Document for details)*

**Textual Amendments**

**F27** S. 28 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

<sup>F28</sup>**29** .....

**Textual Amendments**

**F28** S. 29 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

<sup>F29</sup>**30** .....

**Textual Amendments**

**F29** S. 30 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

*Mortgages*

<sup>F30</sup>**31** .....

**Textual Amendments**

**F30** S. 31 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

<sup>F31</sup>**32** .....

**Textual Amendments**

**F31** S. 32 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

<sup>F32</sup>**33** .....

**Textual Amendments**

**F32** S. 33 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

<sup>F33</sup>**34** .....

*Status: Point in time view as at 21/03/1994.*

*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1894, Part I. (See end of Document for details)*

**Textual Amendments**

**F33** S. 34 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

<sup>F34</sup>**35** .....

**Textual Amendments**

**F34** S. 35 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

<sup>F35</sup>**36** .....

**Textual Amendments**

**F35** S. 36 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

<sup>F36</sup>**37** .....

**Textual Amendments**

**F36** S. 37 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

<sup>F37</sup>**38** .....

**Textual Amendments**

**F37** S. 38 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

**39–46** ..... <sup>F38</sup>

**Textual Amendments**

**F38** Ss. 39–46 repealed by Merchant Shipping Act 1988 (c. 12, SIF 111), ss. 10, 57(5), Sch. 1 para. 25, **Sch. 7**, (with s. 58(4), Sch. 8 para. 1)

*Name of Ship*

<sup>F39</sup>**47** .....

*Status: Point in time view as at 21/03/1994.*

*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1894, Part I. (See end of Document for details)*

**Textual Amendments**

**F39** S. 47 repealed (21.3.1994) by 1993 c. 22, s. 8(4), [Sch. 5 Pt.I](#); S.I 1993/3137, art. 3(1)

*Registry of Alterations, Registry anew, and Transfer of Registry*

<sup>F40</sup>**48** .....

**Textual Amendments**

**F40** S. 48 repealed (21.3.1994) by 1993 c. 22, s. 8(4), [Sch. 5 Pt.I](#); S.I 1993/3137, art. 3(1)

<sup>F41</sup>**49** .....

**Textual Amendments**

**F41** S. 49 repealed (21.3.1994) by 1993 c. 22, s. 8(4), [Sch. 5 Pt.I](#); S.I 1993/3137, art. 3(1)

<sup>F42</sup>**50** .....

**Textual Amendments**

**F42** S. 50 repealed (21.3.1994) by 1993 c. 22, s. 8(4), [Sch. 5 Pt.I](#); S.I 1993/3137, art. 3(1)

<sup>F43</sup>**51** .....

**Textual Amendments**

**F43** S. 51 repealed (21.3.1994) by 1993 c. 22, s. 8(4), [Sch. 5 Pt.I](#); S.I 1993/3137, art. 3(1)

<sup>F44</sup>**52** .....

**Textual Amendments**

**F44** S. 52 repealed (21.3.1994) by 1993 c. 22, s. 8(4), [Sch. 5 Pt.I](#); S.I 1993/3137, art. 3(1)

<sup>F45</sup>**53** .....



*Status: Point in time view as at 21/03/1994.*

*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1894, Part I. (See end of Document for details)*

**Textual Amendments**

**F45** S. 53 repealed (21.3.1994) by 1993 c. 22, s. 8(4), [Sch. 5 Pt. I](#); S.I 1993/3137, art. 3(1)

<sup>F46</sup> **53A** .....

**Textual Amendments**

**F46** S. 53A repealed (21.3.1994) by 1993 c. 22, s. 8(4), [Sch. 5 Pt.I](#); S.I 1993/3137, art. 3(1)

<sup>F47</sup> **53B** .....

**Textual Amendments**

**F47** S. 53B repealed (21.3.1994) by 1993 c. 22, s. 8(4), [Sch. 5 Pt.I](#); S.I 1993/3137, art. 3(1)

**54** ..... <sup>F48</sup>

**Textual Amendments**

**F48** S. 54 repealed by [Merchant Shipping Act 1988 \(c. 12, SIF 111\)](#), ss. 10, 57(5), [Sch. 1 para. 31](#), [Sch. 7](#), (with s. 58(4), [Sch. 8 para. 1](#))

*Incapacitated Persons*

**55** ..... <sup>F49</sup>

**Textual Amendments**

**F49** S. 55 repealed by [Merchant Shipping Act 1988 \(c. 12, SIF 111\)](#), ss. 10, 57(5), [Sch. 1 para. 32](#), [Sch. 7](#), (with s. 58(4), [Sch. 8 para. 1](#))

*Trusts and Equitable Rights*

<sup>F50</sup> **56** .....

**Textual Amendments**

**F50** S. 56 repealed (21.3.1994) by 1993 c. 22, s. 8(4), [Sch. 5 Pt.I](#); S.I 1993/3137, art. 3(1)

*Status: Point in time view as at 21/03/1994.*

*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1894, Part I. (See end of Document for details)*

F51 **57** .....

**Textual Amendments**

F51 S. 57 repealed (21.3.1994) by 1993 c. 22, s. 8(4), Sch. 5 Pt.I; S.I 1993/3137, art. 3(1)

*Liability of Beneficial Owner*

F52 **58** .....

**Textual Amendments**

F52 S. 58 repealed (21.3.1994) by 1993 c. 22, s. 8(4), Sch. 5 Pt.I; S.I 1993/3137, art. 3(1)

*Managing Owner*

F53 **59** .....

**Textual Amendments**

F53 S. 59 repealed (21.3.1994) by 1993 c. 22, s. 8(4), Sch. 5 Pt.I; S.I 1993/3137, art. 3(1)

*Declarations, Inspection of Register, and Fees.*

F54 **60** .....

**Textual Amendments**

F54 S. 60 repealed (21.3.1994) by 1993 c. 22, s. 8(4), Sch. 5 Pt.I; S.I 1993/3137, art. 3(1)

**61** (1) ..... F55

F56 (2) .....

**Textual Amendments**

F55 S. 61(1) repealed by Merchant Shipping Act 1988 (c. 12, SIF 111), ss. 10, 57(5), Sch. 1 para. 35, Sch. 7, (with s. 58(4), Sch. 8 para. 1)

F56 S. 61(2) repealed (21.3.1994) by 1993 c. 22, s. 8(4), Sch. 5 Pt.I; S.I 1993/3137, art. 3(1)

F57 **62** .....

*Status: Point in time view as at 21/03/1994.*

*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1894, Part I. (See end of Document for details)*

**Textual Amendments**

**F57** S. 62 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

*Returns, Evidence, and Forms*

<sup>F58</sup> **63** .....

**Textual Amendments**

**F58** S. 63 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

<sup>F59</sup> **64** .....

**Textual Amendments**

**F59** S. 64 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

<sup>F60</sup> **65** .....

**Textual Amendments**

**F60** S. 65 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

*Forgery and false Declarations*

[<sup>F61</sup> **66** **Forgery of documents.**

If any person forges, or fraudulently alters, or assists in forging or fraudulently altering, or procures to be forged or fraudulently altered, any of the following documents, namely, any register book, builder's certificate, surveyor's certificate, certificate of registry, declaration, bill of sale, instrument of mortgage, or certificate of mortgage or sale under this Part of this Act, or any entry or endorsement required by this Part of this Act to be made in or on any of those documents, that person shall in respect of each offence be guilty of felony [<sup>F62</sup> and liable on conviction on indictment to imprisonment for not more than seven years].]

**Textual Amendments**

**F61** S. 66 repealed (E.W.N.I.) by *Forgery and Counterfeiting Act 1981* (c. 45, SIF 39:7), s. 30, **Sch. Pt. I**

**F62** Words added by (E.W.) *Criminal Law Act 1967* (c. 58), **Sch. 2 para. 11** and (N.I.) *Criminal Law Act (Northern Ireland) 1967* (c. 18), **Sch. 1 para. 19** and inserted (S.) by *Merchant Shipping Act 1979* (c. 39), **Sch. 6 Pt. VII para. 1**

*Status: Point in time view as at 21/03/1994.*

*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1894, Part I. (See end of Document for details)*

**Modifications etc. (not altering text)**

**C10** S. 66 amended (E.W.) (N.I.) by [Forgery Act 1913 \(c. 27\)](#), **s. 3(3)(k)**

<sup>F63</sup>**67** .....

**Textual Amendments**

**F63** S. 67 repealed (21.3.1994) by [1993 c. 22, s. 8\(4\)](#), **Sch. 5 Pt.I**; [S.I 1993/3137](#), art. 3(1)

*National Character and Flag*

<sup>F64</sup>**68** .....

**Textual Amendments**

**F64** S. 68 repealed (21.3.1994) by [1993 c. 22, s. 8\(4\)](#), **Sch. 5 Pt.I**; [S.I 1993/3137](#), art. 3(1)

<sup>F65</sup>**69** .....

**Textual Amendments**

**F65** S. 69 repealed (21.3.1994) by [1993 c. 22, s. 8\(4\)](#), **Sch. 5 Pt. I**; [S.I 1993/3137](#), art. 3(1)

<sup>F66</sup>**70** .....

**Textual Amendments**

**F66** S. 70 repealed (21.3.1994) by [1993 c. 22, s. 8\(4\)](#), **Sch. 5 Pt.I**; [S.I 1993/3137](#), art. 3(1)

**71** ..... <sup>F67</sup>

**Textual Amendments**

**F67** S. 71 repealed by [Merchant Shipping Act 1988 \(c. 12, SIF 111\)](#), ss. 10, 57(5), [Sch. 1 para. 43](#), **Sch. 7**, (with s. 58(4), [Sch. 8 para. 1](#))

<sup>F68</sup>**72** .....

*Status: Point in time view as at 21/03/1994.*

*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1894, Part I. (See end of Document for details)*

**Textual Amendments**

**F68** S. 72 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

<sup>F69</sup>73 .....

**Textual Amendments**

**F69** S. 73 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

<sup>F70</sup>74 .....

**Textual Amendments**

**F70** S. 74 repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I 1993/3137, art. 3(1)

**75 Saving for Admiralty.**

The provisions of this Act with respect to colours worn by merchant ships shall not affect any other power of the Admiralty in relation thereto.

*Forfeiture of Ship*

**76 Proceedings on forfeiture of ship.**

(1) Where any ship has either wholly or as to any share therein become subject to forfeiture under this Part of this Act.

- (a) any commissioned officer on full pay in the military or naval service of Her Majesty; [<sup>F71</sup>or
- (b) any person appointed by the Secretary of State for the purposes of this section;]

may seize and detain the ship, and bring her for adjudication before the High Court in England or Ireland, or before the Court of Session in Scotland, . . . <sup>F72</sup>and the court may thereupon adjudge the ship with her tackle, apparel, and furniture to be forfeited to Her Majesty, and make such order in the case as to the court seems just, and may award to the officer [<sup>F73</sup>or other person]bringing in the ship for adjudication such portion of the proceeds of sale of the ship, or any share therein, as the court thinks fit.

(2) Any such officer [<sup>F74</sup>or other person as is mentioned in subsection (1) of this section]shall not be responsible either civilly or criminally to any person whomsoever in respect of any such seizure or detention as aforesaid, notwithstanding that the ship has not been brought in for adjudication, or if so brought in is declared not liable to forfeiture, it is shown to the satisfaction of the court before whom any trial relating to such ship or such seizure or detention is held that there were reasonable grounds for such seizure or detention; but if no such grounds are shown the court may award costs and damages to any party aggrieved, and make such other order in the premises as the court thinks just.

*Status: Point in time view as at 21/03/1994.*

*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1894, Part I. (See end of Document for details)*

### Textual Amendments

- F71** S. 76(1)(b) substituted by Merchant Shipping Act 1988 (c. 12, SIF 111), s. 10, **Sch. 1 para. 47(2)(a)**, (with s. 58(4), Sch. 8 para. 1)
- F72** Words repealed by Merchant Shipping Act 1988 (c. 12, SIF 111), ss. 10, 57(5), Sch. 1 para. 47(2)(b), **Sch. 7**, (with s. 58(4), Sch. 8 para. 1)
- F73** Words inserted by Merchant Shipping Act 1988 (c. 12, SIF 111), s. 10, **Sch. 1 para. 47(2)(c)**, (with s. 58(4), Sch. 8 para. 1)
- F74** Words substituted by Merchant Shipping Act 1988 (c. 12, SIF 111), s. 10, **Sch. 1 para. 47(3)**, (with s. 58(4), Sch. 8 para. 1)

### Modifications etc. (not altering text)

- C11** Reference to Ireland to be construed as exclusive of Republic of Ireland: S.R. & O. 1923/405 (Rev. X, p. 298: 1923, p. 400), art. 2
- C12** S. 76 applied by Merchant Shipping Act 1988 (c. 12, SIF 111), s. 22(10)

## 76 Proceedings on forfeiture of ship. **U.K.**

- (1) Where any ship has either wholly or as to any share therein become subject to forfeiture under this Part of this Act.

- (a) any commissioned officer on full pay in the military or naval service of Her Majesty; <sup>F86</sup>or
- (b) any person appointed by the Secretary of State for the purposes of this section;]

may seize and detain the ship, and bring her for adjudication before the High Court in England or Ireland, or before the Court of Session in Scotland, . . . <sup>F87</sup>and the court may thereupon adjudge the ship with her tackle, apparel, and furniture to be forfeited to Her Majesty, and make such order in the case as to the court seems just, and may award to the officer <sup>F88</sup>or other person]bringing in the ship for adjudication such portion of the proceeds of sale of the ship, or any share therein, as the court thinks fit.

- (2) Any such officer <sup>F89</sup>or other person as is mentioned in subsection (1) of this section]shall not be responsible either civilly or criminally to any person whomsoever in respect of any such seizure or detention as aforesaid, notwithstanding that the ship has not been brought in for adjudication, or if so brought in is declared not liable to forfeiture, it is shown to the satisfaction of the court before whom any trial relating to such ship or such seizure or detention is held that there were reasonable grounds for such seizure or detention; but if no such grounds are shown the court may award costs and damages to any party aggrieved, and make such other order in the premises as the court thinks just.

### Textual Amendments

- F86** S. 76(1)(b) substituted by Merchant Shipping Act 1988 (c. 12, SIF 111), s. 10, **Sch. 1 para. 47(2)(a)**, (with s. 58(4), Sch. 8 para. 1)
- F87** Words repealed by Merchant Shipping Act 1988 (c. 12, SIF 111), ss. 10, 57(5), Sch. 1 para. 47(2)(b), **Sch. 7**, (with s. 58(4), Sch. 8 para. 1)
- F88** Words inserted by Merchant Shipping Act 1988 (c. 12, SIF 111), s. 10, **Sch. 1 para. 47(2)(c)**, (with s. 58(4), Sch. 8 para. 1)
- F89** Words substituted by Merchant Shipping Act 1988 (c. 12, SIF 111), s. 10, **Sch. 1 para. 47(3)**, (with s. 58(4), Sch. 8 para. 1)

*Status: Point in time view as at 21/03/1994.*

*Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping Act 1894, Part I. (See end of Document for details)*

**Modifications etc. (not altering text)**

- C16** Reference to Ireland to be construed as exclusive of Republic of Ireland: S.R. & O. 1923/405 (Rev. X, p. 298: 1923, p. 400), art. 2
- C17** S. 76 applied by [Merchant Shipping Act 1988 \(c. 12, SIF 111\)](#), s. 22(10)

*Measurement of Ship and Tonnage*

**77–81** ..... <sup>F75</sup>

**Textual Amendments**

- F75** Ss. 77–81 repealed by [Merchant Shipping Act 1965 \(c. 47\)](#), Sch. 2

**82 Tonnage once ascertained to be the tonnage of ship.**

Whenever the tonnage of any ship has been ascertained and registered in accordance with the tonnage regulations of this Act, [<sup>F76</sup>that tonnage shall be treated as the tonnage of the ship except so far as registration regulations provide, in specified circumstances, for the ship to be re-measured and the register amended accordingly.].

**Textual Amendments**

- F76** Words in s. 82 substituted (21.3.1994) by 1993 c. 22, s. 8(1), [Sch. 2 para. 2\(a\)](#); S.I. 1993/3137, art. 3(1)

**Modifications etc. (not altering text)**

- C13** S. 82 excluded by [Merchant Shipping Act 1965 \(c. 47\)](#), s. 1(5)

**83 Fees for measurement.**

Such fees as the Board of Trade determine shall be paid in respect of the measurement of a ship's tonnage . . . <sup>F77</sup> and those fees shall be paid into the Mercantile Marine Fund.

**Textual Amendments**

- F77** Words repealed by [Merchant Shipping \(Safety Convention\) Act 1949 \(c. 43\)](#), Sch. 3

**Modifications etc. (not altering text)**

- C14** S. 83 restricted by [Merchant Shipping Act 1965 \(c. 47\)](#), s. 1(4)

**84 Tonnage of ships of foreign countries adopting tonnage regulations.**

- (1) Whenever it appears to Her Majesty the Queen in Council that the tonnage regulations of this Act have been adopted by any foreign country, and are in force there, Her Majesty in Council may order that the ships of that country shall, without being re-measured in [<sup>F78</sup>the United Kingdom], be deemed to be of the tonnage denoted in their certificates of registry or other national papers, in the same manner, to the

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same extent, and for the same purposes as the tonnage denoted in the certificate of registry of a [<sup>F79</sup>registered]ship is deemed to be the tonnage of that ship, . . . <sup>F80</sup>[<sup>F81</sup>and any space shown by the certificate of registry or other national papers of any such ship as deducted from the tonnage shall, where a similar deduction in the case of a [<sup>F79</sup>registered]ship depends on compliance with any conditions or on the compliance being evidenced in any manner, be deemed to comply with those conditions and to be so evidenced, unless a surveyor of ships certifies to the Board of Trade that the construction and the equipment of the ship as respects that space do not come up to the standard which would be required if the ship were a [<sup>F82</sup>registered ship]]

- (2) Her Majesty in Council may limit the time during which the Order is to remain in operation, and make the Order subject to such conditions and qualifications (if any) as Her Majesty may deem expedient, and the operation of the Order shall be limited and modified accordingly.
- (3) If it is made to appear to Her Majesty that the tonnage of any foreign ship, as measured by the rules of the country to which she belongs, materially differs from that which would be her tonnage if measured under this Act, Her Majesty in Council may order that, notwithstanding any Order in Council for the time being in force under this section, any of the ships of that country may, for all or any of the purposes of this Act, be remeasured in accordance with this Act.

#### Textual Amendments

- F78** Words substituted by [Merchant Shipping Act 1988 \(c. 12, SIF 111\)](#), s. 10, **Sch. 1 para. 48(a)**, (with s. 58(4), Sch. 8 para. 1)
- F79** Words substituted by [Merchant Shipping Act 1988 \(c. 12, SIF 111\)](#), s. 10, **Sch. 1 para. 48(b)**, (with s. 58(4), Sch. 8 para. 1)
- F80** Words repealed by [Merchant Shipping Act 1965 \(c. 47\)](#), **Sch. 2**
- F81** Words added by [Merchant Shipping Act 1965 \(c. 47\)](#), **Sch. 1**
- F82** Words substituted by [Merchant Shipping Act 1988 \(c. 12, SIF 111\)](#), s. 10, **Sch. 1 para. 48(c)**, (with s. 58(4), Sch. 8 para. 1)

85

F83

#### Textual Amendments

- F83** S. 85 repealed by [Merchant Shipping Act 1988 \(c. 12, SIF 111\)](#), ss. 10, 57(5), Sch. 1 para. 49, **Sch. 7**, (with s. 58(4), Sch. 8 para. 1)

## 86 Surveyors and regulations for measurement of ships.

All duties in relation to the survey and measurement of ships shall be performed by surveyors of ships under this Act in accordance with regulations made by the Board of Trade.

#### Modifications etc. (not altering text)

- C15** S. 86 excluded by [Merchant Shipping Act 1965 \(c. 47\)](#), s. 1(4)



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**87 Levy of tonnage rates under local Acts on the registered tonnage.**

Any persons having power to levy tonnage rates on ships may, if they think fit, with the consent of the Board of Trade, levy those tonnage rates upon the registered tonnage of the ships as determined by the tonnage regulations of this Act, notwithstanding that any local Act under which those rates are levied provides for levying the same upon some different system of tonnage measurement.

**88–90** ..... **F84**

**Textual Amendments**

**F84** Ss. 88–90 repealed by [Merchant Shipping Act 1988 \(c. 12, SIF 111\)](#), ss. 10, 57(5), Sch. 1 para. 50, [Sch. 7](#), (with s. 58(4), Sch. 8 para. 1)

**91** ..... **F85**

**Textual Amendments**

**F85** S. 91 repealed by [Merchant Shipping Act 1988 \(c. 12, SIF 111\)](#), ss. 10, 57(5), Sch. 1 para. 51, [Sch. 7](#), (with s. 58(4), Sch. 8 para. 1)

**Status:**

Point in time view as at 21/03/1994.

**Changes to legislation:**

There are currently no known outstanding effects for the Merchant Shipping Act 1894, Part I.