



# Merchant Shipping Act 1894

1894 CHAPTER 60 57 and 58 Vict

## PART I

### REGISTRY

#### *Transfers and Transmissions*

#### 24 Transfer of ships or shares.

[<sup>F1</sup>(1) Any transfer of—

- (a) a registered ship, or
- (b) a share in any such ship,

shall be effected by a bill of sale, unless the transfer will result in a majority interest in the ship no longer being owned by persons qualified to be owners of British ships.]

#### Textual Amendments

- F1** S. 24(1) substituted by [Merchant Shipping Act 1988 \(c. 12, SIF 111\)](#), s. 10, [Sch. 1 para. 15](#), (with s. 58(4), Sch. 8 para. 1)

#### 25 Declaration of transfer.

Where a registered ship or a share therein is transferred [<sup>F2</sup>in accordance with section 24(1) of this Act], the transferee shall not be entitled to be registered as owner thereof until he, or, in the case of a corporation, the person authorised by this Act to make declarations on behalf of the corporation, has made and signed a declaration (in this Act called a declaration of transfer) referring to the ship, and containing—

- (a) a statement of the qualification of the transferee to own a British ship, or if the transferee is a corporation, of such circumstances of the constitution and business thereof as prove it to be qualified to own a British ship; and

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[<sup>F3</sup>(b) a declaration that, to the best of his knowledge and belief, a majority interest in the ship is owned by persons qualified to be owners of British ships, and the ship is otherwise entitled to be registered.]

[<sup>F4</sup>In the application of this section to a ship which is not wholly owned by persons qualified to be owners of British ships, paragraph (a) above shall have effect only in relation to persons who are so qualified.]

#### Textual Amendments

- F2** Words inserted by [Merchant Shipping Act 1988 \(c. 12, SIF 111\), s. 10, Sch. 1 para. 16\(a\)](#), (with s. 58(4), Sch. 8 para. 1)
- F3** [S. 25\(b\)](#) substituted by [Merchant Shipping Act 1988 \(c. 12, SIF 111\), s. 10, Sch. 1 para. 16\(b\)](#), (with s. 58(4), Sch. 8 para. 1)
- F4** Words added by [Merchant Shipping Act 1988 \(c. 12, SIF 111\), s. 10, Sch. 1 para. 16\(c\)](#), (with s. 58(4), Sch. 8 para. 1)

## 26 Registry of transfer.

- (1) Every bill of sale for the transfer of a registered ship or of a share therein, when duly executed, shall be produced to the registrar of her port of registry, with the declaration of transfer, and the registrar shall thereupon enter in the register . . . <sup>F5</sup>the name of the transferee as owner of the ship or share, and shall endorse on the bill of sale the fact of that entry having been made, with the day and hour thereof.
- (2) Bills of sale of a ship or of a share therein shall be entered in the register . . . <sup>F5</sup>in the order of their production to the registrar.

#### Textual Amendments

- F5** Word repealed by [Merchant Shipping Act 1988 \(c. 12, SIF 111\), ss. 10, 57\(5\), Sch. 1 para. 17, Sch. 7](#), (with s. 58(4), Sch. 8 para. 1)

## 27 Transmission of property in ship on death, bankruptcy, marriage, &c.

- (1) Where the property in a registered ship or share therein is transmitted to [<sup>F6</sup>any person by any lawful means other than a transfer under section 24 of this Act and a majority interest in the ship remains in the ownership of persons qualified to be owners of British ships—]
- (a) That person shall authenticate the transmission by making and signing a declaration (in this Act called a declaration of transmission) identifying the ship and containing the several statements herein-before required to be contained in a declaration of transfer, or as near thereto as circumstances admit, and also a statement of the manner in which and the person to whom the property has been transmitted.
- (b) . . . . . <sup>F7</sup>
- (c) If the transmission is consequent on bankruptcy, the declaration of transmission shall be accompanied by such evidence as is for the time being receivable in courts of justice as proof of the title of persons claiming under a bankruptcy.

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- (d) If the transmission is consequent on death, the declaration of transmission shall be accompanied by the instrument of representation, or an official extract therefrom.
- (2) The registrar, on receipt of the declaration of transmission so accompanied, shall enter in the register . . . <sup>F8</sup>the name of the person entitled under the transmission as owner of the ship or share the property in which has been transmitted, and, where there is more than one such person, shall enter the names of all such persons, but those persons, however numerous, shall, for the purpose of the provision of this Act with respect to the number of persons entitled to be registered as owners, be considered as one person.

#### Textual Amendments

- F6** Words substituted by [Merchant Shipping Act 1988 \(c. 12, SIF 111\), s. 10, Sch. 1 para. 18\(a\)\(1\)](#), (with s. 58(4), Sch. 8 para. 1)
- F7** [S. 27\(1\)\(b\)](#) repealed by [Merchant Shipping Act 1988 \(c. 12, SIF 111\), ss. 10, 57\(5\), Sch. 1 para. 18\(a\)\(ii\), Sch. 7](#), (with s. 58(4), Sch. 8 para. 1)
- F8** Word repealed by [Merchant Shipping Act 1988 \(c. 12, SIF 111\), ss. 10, 57\(5\), Sch. 1 para. 18\(b\), Sch. 7](#), (with s. 58(4), Sch. 8 para. 1)

## 28 Order for sale on transmission to unqualified person.

- [<sup>F9</sup>(1) Where the property in a registered ship or share therein is transmitted to any person by any lawful means other than a transfer under section 24 of this Act, but as a result a majority interest in the ship no longer remains in the ownership of persons qualified to be owners of British ships, then#
- (a) if the ship is registered in England and Wales or in Northern Ireland, the High Court, or
- (b) if the ship is registered in Scotland, the Court of Session,
- may, on an application by or on behalf of that person, order a sale of the property so transmitted and direct that the proceeds of sale, after deducting the expenses of the sale, shall be paid to that person or otherwise as the court direct.]
- (2) The court may require any evidence in support of the application they think requisite, and may make the order on any terms and conditions they think just, or may refuse to make the order, and generally may act in the case as the justice of the case requires.
- (3) Every such application for sale must be made within four weeks after the occurrence of the event on which the transmission has taken place, or within such further time (not exceeding in the whole one year from the date of the occurrence) as the court allow.
- (4) If such an application is not made within the time aforesaid, or if the court refuse an order for sale, the ship or share transmitted shall thereupon be subject to forfeiture under this Act.

#### Textual Amendments

- F9** [S. 28\(1\)](#) substituted by [Merchant Shipping Act 1988 \(c. 12, SIF 111\), s. 10, Sch. 1 para. 19](#), (with s. 58(4), Sch. 8 para. 1)

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

- C1** [S. 28\(1\)](#) applied with modifications by [S.I. 1988/1926, reg. 60, Sch. 6](#)

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**C2** S. 281(2)(4) applied by S.I. 1988/1926, reg. 60, **Sch. 6**

## **29 Transfer of ship or sale by order of court.**

Where any court, whether under the preceding sections of this Act or otherwise, order the sale of any ship or share therein, the order of the court shall contain a declaration vesting in some person named by the court the right to transfer that ship or share, and that person shall thereupon be entitled to transfer the ship or share in the manner and to the same extent as if he were the registered owner thereof; and every registrar shall obey the requisition of the person so named in respect of any such transfer to the same extent as if such person were the registered owner.

## **30 Power of court to prohibit transfer.**

Each of the following courts; namely,—

- [<sup>F10</sup>(a) in England and Wales or in Northern Ireland, the High Court; and  
(b) in Scotland, the Court of Session,]

may, if the court think fit (without prejudice to the exercise of any other power of the court), on the application of any interested person make an order prohibiting for a time specified any dealing with a ship or any share therein, and the court may make the order on any terms or conditions they think just, or may refuse to make the order, or may discharge the order when made, with or without costs, and generally may act in the case as the justice of the case requires; and every registrar, without being made a party to the proceeding, shall on being served with the order or an official copy thereof obey the same.

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### **Textual Amendments**

**F10** S. 30(a)(b) substituted by Merchant Shipping Act 1988 (c. 12, SIF 111), s. 10, **Sch. 1 para. 20**, (with s. 58(4), Sch. 8 para. 1)

**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

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