



Merchant Shipping Act 1894

1894 CHAPTER 60 57 and 58 Vict

PART V

SAFETY

Modifications etc. (not altering text)

C1 Pt. V amended by [Merchant Shipping \(Safety Convention\) Act 1949 \(c. 43\)](#), ss. [23\(3\)\(4\)](#), [24\(1\)\(2\)](#)

Prevention of Collisions

418 F1

Textual Amendments

F1 S. 418 repealed (with saving) to the extent that s. 418 relates to ships by [S.I. 1983/708](#), [regs. 1\(4\)\(a\)](#), 2
S. 418 wholly repealed (1.5.1994) by [1993 c. 22](#), s. [8\(3\)\(4\)](#), [Sch. 4 para. 13\(2\)](#), [Sch. 5 Pt.II](#); [S.I. 1993/3137](#), [art. 3\(2\)](#)

419 F2

Textual Amendments

F2 S. 419 repealed (with saving) to the extent that s. 419 relates to ships by [S.I. 1983/708](#), [regs. 1\(4\)\(a\)](#), 2
S. 419 wholly repealed (1.5.1994) by [1993 c. 22](#), s. [8\(3\)\(4\)](#), [Sch. 4 para. 13\(2\)](#), [Sch. 5 Pt.II](#); [S.I. 1993/3137](#), [art. 3\(2\)](#)

420 F3

Status: Point in time view as at 01/05/1994.

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

Textual Amendments

F3 S. 420 repealed (with saving) by S.I. 1983/708, reg. 2, **Sch. 2 Pt. I**

^{F4}**421**

Textual Amendments

F4 S. 421 repealed (1.5.1994) by 1993 c. 22, s. 8(3)(4), Sch. 4 para. 13(2), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

422 Duty of vessel to assist the other in case of collision.

- (1) In every case of collision between two vessels, it shall be the duty of the master or person in charge of each vessel, if and so far as he can do so without danger to his own vessel crew and passengers (if any),
 - (a) to render to the other vessel her master crew and passengers (if any) such assistance as may be practicable, and may be necessary to save them from any danger caused by the collision, and to stay by the other vessel until he has ascertained that she has no need of further assistance, and also
 - (b) to give to the master or person in charge of the other vessel the name of his own vessel and ^{F5} . . . the names of the ports from which she comes and to which she is bound.
- (2) ^{F6}
- (3) If the master or person in charge fails without reasonable cause to comply with this section, he shall be guilty of [^{F7}an offence and—
 - (a) in the case of a failure to comply with subsection (1)(a) of this section, liable on conviction on indictment to a fine and imprisonment for a term not exceeding two years and on summary conviction to a fine not exceeding fifty thousand pounds and imprisonment for a term not exceeding six months; and
 - (b) in the case of a failure to comply with subsection (1)(b) of this section, liable on conviction on indictment to a fine and on summary conviction to a fine not exceeding one thousand pounds,
 and in either case], and, if he is a certificated officer, an inquiry into his conduct may be held, and his certificate cancelled or suspended.

Textual Amendments

- F5** Words in s. 422(1)(b) repealed (21.3.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.I**; S.I. 1993/3137, **art. 3(1)**
- F6** S. 422(2) repealed by **Maritime Conventions Act 1911 (c. 57), s. 4(2)**
- F7** Words substituted by **Merchant Shipping Act 1979 (c. 39), Sch. 6 Pt. VII para. 6**

Modifications etc. (not altering text)

- C2** S. 422 extended by S.I. 1972/971, **Sch. 1 Pt. A**
- C3** S. 422 amended (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para. 6(2)(a)**; S.I. 1993/3137, **art. 3(2)**
- C4** S. 76 applied by **Merchant Shipping Act 1988 (c. 12, SIF 111), s. 22(10)**

Status: Point in time view as at 01/05/1994.

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

423 **F8**

Textual Amendments

F8 Ss. 423, 425, 426 repealed by Merchant Shipping Act 1970 (c. 36), s. 100, **Sch. 5**

424 **F9**

Textual Amendments

F9 S. 424 repealed (with saving) by S.I. 1983/708, reg. 2, **Sch. 2 Pt. I**

425, **F10**
426.

Textual Amendments

F10 Ss. 423, 425, 426 repealed by Merchant Shipping Act 1970 (c. 36), s. 100, **Sch. 5**

Life-saving Appliances

F11 **427**

Textual Amendments

F11 S. 427 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

F12 **428**

Textual Amendments

F12 S. 428 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

F13 **429**

Textual Amendments

F13 S. 429 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

F14 **430**

Status: Point in time view as at 01/05/1994.

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

Textual Amendments

F14 S. 430 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**(with saving)

^{F15}**431**

Textual Amendments

F15 S. 431 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

General Equipment

^{F16}**432**

Textual Amendments

F16 S. 432 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

^{F17}**433**

Textual Amendments

F17 S. 433 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

434 ^{F18}

Textual Amendments

F18 S. 434 repealed by Merchant Shipping (Safety and Load Line Conventions) Act 1932 (c. 9), **Sch. 4 Pt. I**

435 ^{F19}

Textual Amendments

F19 S. 435 repealed by Merchant Shipping (Safety Convention) Act 1949 (c. 43), **Sch. 3**

Status: Point in time view as at 01/05/1994.

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

Draught of Water and Load-Line

^{F20} **436**

Textual Amendments

F20 S. 436 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

437– ^{F21}
445

Textual Amendments

F21 Ss. 437–445 repealed by Merchant Shipping (Safety and Load Line Conventions) Act 1932 (c. 9), **Sch. 4 Pt. II**

Dangerous Goods

^{F22} **446**

Textual Amendments

F22 S. 446 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

^{F23} **447**

Textual Amendments

F23 S. 448 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

^{F24} **448**

Textual Amendments

F24 S. 448 repealed (1.5.1994) by 1993 c. 22, s. 8(3)(4), Sch. 4 para. 11(1), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

449 Forfeiture of dangerous goods improperly sent or carried.

- (1) Where any dangerous goods have been sent or carried, or attempted to be sent or carried, on board any vessel, British or foreign, without being marked [^{F25}as required by safety regulations], or without such notice having been given [^{F25}as required by safety regulations], or under a false description, or with a false description of the

Status: Point in time view as at 01/05/1994.

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

sender or carrier thereof, any court having Admiralty jurisdiction may declare those goods, and any package or receptacle in which they are contained, to be, and they shall thereupon be, forfeited, and when forfeited, shall disposed of as the court direct.

- (2) The court shall have, and may exercise, the aforesaid powers of forfeiture and disposal notwithstanding that the owner of the goods has not committed any offence under the provisions of [^{F25}safety regulations] relating to dangerous goods, and is not before the court, and has not notice of the proceedings, and notwithstanding that there is no evidence to show to whom the goods belong; nevertheless the court may, in their discretion, require such notice as they may direct to be given to the owner or shipper of the goods before they are forfeited.

[^{F26}(3) In this section—

“dangerous goods” means goods that are designated as dangerous goods by safety regulations; and

“safety regulations” means regulations under section 21 of the Merchant Shipping Act 1979.]

Textual Amendments

F25 Words in s. 449(1)(2) substituted (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para. 11(2)(a)(b)**; S.I. 1993/3137, **art. 3(2)**

F26 S. 449(3) inserted (1.5.1994) by 1993 c. 22, s. 8(3), **Sch. 4 para. 11(2)(c)**; S.I. 1993/3137, **art. 3(2)**

Modifications etc. (not altering text)

C5 Ss. 448–450 extended by S.I. 1972/971, **Sch. 1 Pt. A**

^{F27}**450**

Textual Amendments

F27 S. 450 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

451 ^{F28}

Textual Amendments

F28 S. 451 repealed by **Merchant Shipping Act 1906 (c. 48)**, **Sch. 2**

452– ^{F29}
456

Textual Amendments

F29 Ss. 452–456 repealed by **Merchant Shipping (Safety Convention) Act 1949 (c. 43)**, **Sch. 3**

Status: Point in time view as at 01/05/1994.

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

Unseaworthy Ships

457^{F30}

Textual Amendments

F30 S. 457 repealed by Merchant Shipping Act 1979 (c. 39), Sch. 7 Pt. II

458 **Obligation of shipowner to crew with respect to use of reasonable efforts to secure seaworthiness.**

(1) In every [^{F31}contract of employment], between the owner of a ship and the master or any seaman thereof, . . . ^{F32}there shall be implied, notwithstanding any agreement to the contrary, an obligation on the owner of the ship, that the owner of the ship, and the master, and every agent charged with the loading of the ship, or the preparing of the ship for sea, or the sending of the ship to sea, shall use all reasonable means to insure the seaworthiness of the ship for the voyage at the time when the voyage commences, and to keep her in a seaworthy condition for the voyage during the voyage.

(2) Nothing in this section—

(a) shall subject the owner of a ship to any liability by reason of the ship being sent to sea in an unseaworthy state where, owing to special circumstances, the sending of the ship to sea in such a state was reasonable and justifiable; or

^{F33}(b)

Textual Amendments

F31 Words in s. 458(1) substituted (1.5.1994) by 1993 c. 22, s. 8(3), Sch. 4 para. 7(a); S.I. 1993/3137, art. 3(2)

F32 Words repealed by Merchant Shipping Act 1970 (c. 36), s. 100, Sch. 5

F33 S. 458(2)(b) repealed (1.5.1994) by 1993 c. 22, s. 8(3)(4), Sch. 4 para. 7(b), Sch. 5 Pt.II; S.I. 1993/3137, art. 3(2)

Modifications etc. (not altering text)

C6 S. 458 restricted (1.5.1994) by 1993 c. 22, s. 8(3), Sch. 4 para. 6(1)(a); S.I. 1993/3137, art. 3(2)

^{F34}459

Textual Amendments

F34 S. 459 repealed (1.5.1994) by 1993 c. 22, s. 8(3)(4), Sch. 4 para. 12(1), Sch. 5 Pt.II; S.I. 1993/3137, art. 3(2)

^{F35}460

Status: Point in time view as at 01/05/1994.

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

Textual Amendments

F35 S. 460 repealed (1.5.1994) by 1993 c. 22, s. 8(3)(4), Sch. 4 para. 12(1), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

^{F36} **461**

Textual Amendments

F36 S. 461 repealed (1.5.1994) by 1993 c. 22, s. 8(3)(4), Sch. 4 para. 12(1), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

^{F37} **462**

Textual Amendments

F37 S. 462 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

463 ^{F38}

Textual Amendments

F38 S. 463 repealed by Merchant Shipping Act 1988 (c. 12, SIF 111), ss. 48, 57(5), Schs. 5, 7, (with s. 58(4), Sch. 8 para. 1)

Status:

Point in time view as at 01/05/1994.

Changes to legislation:

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