



Merchant Shipping Act 1894

1894 CHAPTER 60 57 and 58 Vict

PART XIV

SUPPLEMENTAL

General Control of Board of Trade

713 Superintendence of merchant shipping by Board of Trade.

The Board of Trade shall be the department to undertake the general superintendence of all matters relating to merchant shipping and seamen, and are authorised to carry into execution the provisions of this Act and of all Acts relating to merchant shipping and seamen for the time being in force, except where otherwise provided by those Acts, or except so far as those Acts relate to the revenue.

714 Returns as to merchant shipping to Board of Trade.

All consular officers and officers of customs abroad, and all . . . ^{F1} superintendents, shall make and send to the Board of Trade such returns or reports on any matter relating to British merchant shipping or seamen as the Board may require.

Textual Amendments

F1 Words repealed by [Merchant Shipping Act 1970 \(c. 36\), s. 100, Sch. 5](#)

715 Production of log books, &c. by superintendents.

All superintendents shall, when required by the Board of Trade, produce to that Board or to its officers all official log books and other documents which are delivered to them under this Act.

Status: Point in time view as at 01/05/1994.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 XIV. (See end of Document for details)

F2 716

Textual Amendments
F2 S. 716 repealed (1.5.1994) by 1993 c. 22, s. 8(4), [Sch. 5 Pt.II](#); S.I. 1993/3137, [art. 3\(2\)](#)

717 Legal proceedings.

The Board of Trade may take any legal proceedings under this Act in the name of any of their officers.

Expenses of Commissioners of Customs

718 Expenses incurred by Commissioners of Customs.

All expenses incurred by the [^{F3}Commissioners of Customs and Excise] in the conduct of suits or prosecutions, or otherwise in carrying into effect the provisions of this Act, shall be considered as expenses having reference to the Revenues of Customs, and shall be paid accordingly; but the Board of Trade may, with the consent of the Treasury, repay out of the Mercantile Marine Fund all or any part of such of the expenses so paid as are under this Act chargeable on that fund.

Textual Amendments
F3 Words substituted by virtue of [Customs and Excise Management Act 1979 \(c. 2\)](#), [Sch. 4 para. 1](#)

Documents and Forms

F4 719

Textual Amendments
F4 S. 719 repealed (1.5.1994) by 1993 c. 22, s. 8(4), [Sch. 5 Pt.II](#); S.I. 1993/3137, [art. 3\(2\)](#)

720 Power of Board of Trade to prescribe forms.

- (1) Subject to any special provisions of this Act the Board of Trade may prepare and sanction forms for any book, instrument, or paper required under this Act, other than those required under the First Part of this Act, and may make such alterations in these forms as they think fit.
- (2) The Board shall cause every such form to be sealed with their seal or marked with some other distinguishing mark, and before finally issuing any form or making any alteration in a form shall cause public notice thereof to be given in such manner as the Board think requisite in order to prevent inconvenience.
- (3) The Board of Trade shall cause all such forms to be supplied at all customs houses and mercantile marine offices in the United Kingdom, free of charge, or at such moderate

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prices as the Board may fix, or the Board may license any person to print and sell the forms.

- (4) Every such book, instrument, or paper, required under this Act shall be made in the form (if any) approved by the Board of Trade, or as near thereto as circumstances permit, and unless so made shall not be admissible in evidence in any civil proceeding on the part of the owner or master of any ship.
- (5) Every such book, instrument, or paper, if made in a form purporting to be the proper form, and to be sealed or marked in accordance with this section, shall be deemed to be in the form required by this Act unless the contrary is proved.

721 Exemption from stamp duty.

The following instruments shall be exempt from stamp duty:—

- (a) Any instruments used for carrying into effect the First Part of this Act; and
- (b) Any instruments used by or under the direction of the Board of Trade in carrying into effect the Second Fifth, Eleventh, and Twelfth Parts of this Act; and
- (c) Any instruments which are by those Parts of this Act required to be in a form approved by the Board of Trade, if made in that form.

722 Offences as to use of forms.

[^{F5}(1) In Scotland, if any person forges any seal or distinguishing mark on any form issued under this Act or fraudulently alters any such form he shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding six months or to both; or
- (b) on conviction on indictment, to a fine or to imprisonment or to both.]

(2) If any person—

[^{F6}(a) when a form approved by the Board is, under the Second Part of this Act, required to be used, uses without reasonable cause a form not purporting to be a form so approved;] or

- (b) prints, sells, or uses any document purporting to be a form approved by the Board of Trade, knowing the same not to be the form approved for the time being, or not to have been prepared or issued by the Board of Trade,

that person shall, for each offence, be liable to a fine not exceeding [^{F7} [^{F8}£50]] [^{F7}level 2 on the standard scale]

Textual Amendments

F5 S. 722(1) repealed (E.W.N.I.) by [Forgery and Counterfeiting Act 1981 \(c. 45, SIF 39:7\)](#), s. 30, **Sch. Pt. I**

S. 722(1) substituted (1.5.1994) by [1993 c. 22, s. 8\(3\)](#), **Sch. 4 para.23**; [S.I. 1993/3137, art. 3\(2\)](#)

F6 S. 722(2)(a) repealed (*prosp.*) by [Merchant Shipping Act 1970 \(c. 36\)](#), ss. 100, 101(4), **Sch. 5**

F7 Words “level 2 on the standard scale” substituted (E.W.S.) for “£50” by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 289G

F8 Word substituted by virtue of [Merchant Shipping Act 1979 \(c. 39\)](#), s. 43(1), **Sch. 6 Pt. I**

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Powers for enforcing Compliance with Act

723 Powers for seeing that Act is complied with.

- (1) Where any of the following officers, namely,—
 any officer of the Board of Trade,
 any commissioned officer of any of Her Majesty’s ships on full pay,
 any British consular officer,
 the Registrar-General of Shipping and Seamen or his assistant,
 any chief officer of Customs in any place in Her Majesty’s dominions, or
 any superintendent,
 has reason to suspect that the provisions of this Act, or any law for the time being in force relating to merchant seamen or navigation, is not complied with, that officer may—
- (a) require the owner, master, or any of the crew of any British ship to produce any official log-books or other documents relating to the crew or any member thereof in their respective possession or control;
 - (b) require any such master to produce a list of all persons on board his ship, and take copies of the official log-books or documents, or of any part thereof;
 - (c) muster the crew of any such ship; and
 - (d) summon the master to appear and give any explanation concerning the ship or her crew or the official log-books or documents produced or required to be produced.
- (2) If any person, on being duly required by an officer authorised under this section, fails without reasonable cause to produce to that officer any such official log-book or document as he is required to produce under this section, [^{F9}that person shall be liable to a fine not exceeding two hundred pounds and if any person on being so required refuses to allow such a book or document] to be inspected or copied, or impedes any muster of the crew required under this section, or refuses or neglects to give any explanation which he is required under this section to give, or knowingly misleads or deceives any officer authorised under this section to demand any such explanation, that person shall [^{F10}be liable to a fine not exceeding one thousand pounds]

Textual Amendments

F9 Words substituted by [Merchant Shipping Act 1979 \(c. 39\), Sch. 6 Pt. VI para. 11\(a\)](#)

F10 Words substituted by [Merchant Shipping Act 1979 \(c. 39\), Sch. 6 Pt. VI para. 11\(b\)](#)

Modifications etc. (not altering text)

C1 [S. 723](#) extended by [Sea Fisheries Act 1968 \(c. 77\), s. 8\(6\)](#)

[S. 723](#) restricted (1.5.1994) by [1993 c. 22, s. 8\(3\), Sch. 4 para. 6\(1\)\(a\)](#); [S.I. 1993/3137, art. 3\(2\)](#)

Surveyors of Ships

724 Appointment of surveyors.

- (1) The Board of Trade may, at such ports as they think fit, appoint either generally or for special purposes, and on special occasion, any person they think fit to be a surveyor of

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ships for the purposes of this Act, and a person so appointed (in this Act referred to as a surveyor of ships) may be appointed either as a [^{F11}ship surveyor] or as an engineer surveyor or as both.

(2) The Board of Trade may also appoint a surveyor-general of ships for the United Kingdom.

^{F12}(3) . . .]may remove any surveyors of ships[^{F12} . . .]

(4) ^{F13}

^{F12}(5)

Textual Amendments

F11 Words substituted by virtue of [Merchant Shipping Act 1906 \(c. 48\), s. 75\(1\)](#)

F12 [S. 724\(3\)](#): by [1993 c. 22, s. 8\(4\), Sch. 5 Pt.II](#) it is provided (1.5.1994) that ss. 724(3) and (5) except, in subsection (3), the words "may remove any surveyors of ships" are repealed; [S.I. 1993/3137, art. 3\(2\)](#)

F13 [S. 724\(4\)](#) repealed by [Merchant Shipping Act 1979 \(c. 39\), Sch. 7 Pt. II](#)

Modifications etc. (not altering text)

C2 [S. 724](#) amended by [Merchant Shipping Act 1906 \(c. 48\), s. 75](#), [Merchant Shipping \(Safety and Load Line Conventions\) Act 1932 \(c. 9\), s. 8](#) and [Merchant Shipping \(Safety Convention\) Act 1949 \(c. 43\), s. 4](#)

[s. 724](#): by [1993 c. 22, s. 8\(3\), Sch. 4 para.78](#) it is provided (1.5.1994) that in [s. 724](#) subsections (3) and (5) shall be omitted save, in (3), for the power of the Secretary of State to remove surveyors; [S.I. 1993/3137, art. 3\(2\)](#)

725 ^{F14}

Textual Amendments

F14 [S. 725](#) repealed by [Merchant Shipping Act 1970 \(c. 36\), s. 100, Sch. 5](#)

726 Returns by surveyors to Board of Trade.

(1) Surveyors of ships shall make such returns to the Board of Trade as that Board may require with respect to the build, dimensions, draught, burden, rate of sailing, room for fuel, and the nature and particulars of machinery and equipments of ships surveyed by them.

(2) The owner, master, and engineer of any ship so surveyed shall, on demand, give to the surveyors all such information and assistance within his power as they require for the purpose of those returns.

(3) If any owner, master, or engineer, on being applied to for that purpose, fails without reasonable cause to give any such information or assistance, he shall for each offence be liable to a fine not exceeding [^{F15}[^{F16}£200]] [^{F15}level 3 on the standard scale].

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Textual Amendments

- F15** Words “level 3 on the standard scale” substituted (E.W.S.) for “£200” by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289G](#)
- F16** Word substituted by virtue of [Merchant Shipping Act 1979 \(c. 39\)](#), [s. 43\(1\)](#), [Sch. 6 Pt. II](#)

727 Appointment of surveyors in colonies.

The governor of a British possession may appoint and remove surveyors of ships within the limits of the possession for any purposes of this Act to be carried into effect in that possession.

Board of Trade Inspectors

728 Appointment of inspectors to report on accidents, &c.

The Board of Trade may as and when they think fit appoint any person as an inspector to report to them—

- (a) upon the nature and causes of any accident or damage which any ship has sustained or caused, or is alleged to have sustained or caused; or
- [^{F17}(b) whether any requirements, restrictions or prohibitions imposed by or under the Merchant Shipping Acts have been complied with or (as the case may be) contravened; [^{F17}and the reference to requirements, restrictions or prohibitions under the Merchant Shipping Acts includes any such requirements, restrictions or prohibitions constituting the terms of any approval, licence, consent or exemption given in any document issued under those Acts]]
- (c) whether the hull and machinery of any steamship are sufficient and in good condition.

Textual Amendments

- F17** [S. 728\(b\)](#) substituted and words in [s. 728\(b\)](#) inserted (1.5.1994) by [1993 c. 22, s. 8\(3\)](#), [Sch. 4 para. 56\(b\)\(c\)](#); [S.I. 1993/3137, art. 3\(2\)](#)

Modifications etc. (not altering text)

- C3** [S. 728](#) extended with modifications by [S.I. 1987/316, reg. 16, Sch. 5](#) and by [1989/1350, art. 2, Sch. 1](#) (as substituted by [S.I. 1990/2594, art. 3](#))
- [S. 728](#) amended and [s. 728\(a\)](#) restored (1.5.1994) by [1993 c. 22, s. 8\(3\), Sch. 4 paras. 17\(a\), 56\(c\), 56\(a\)](#); [S.I. 1993/3137, art. 3\(2\)](#)

729, ^{F18}
730.

Textual Amendments

- F18** [Ss. 729, 730](#) repealed by [Merchant Shipping Act 1979 \(c. 39\)](#), [Sch. 7 Pt. II](#)

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Exemption from Rates and Harbour Dues

731 Exemption from rates.

All lighthouses, buoys, beacons, and all light dues, and other rates, fees, or payments accruing to or forming part of the [^{F19}General Lighthouse Fund], and all premises or property belonging to or occupied by any of the general lighthouse authorities . . . ^{F20}, which are used or applied for the purposes of any of the services for which those dues, rates, fees, and payments are received, and all instruments or writings used by or under the direction of any of the general lighthouse authorities . . . ^{F20} in carrying on those services, shall be exempted from all public, parochial, and local taxes, duties, and rates of every kind.

Textual Amendments

F19 Words substituted by [Merchant Shipping Act 1988 \(c. 12, SIF 111\)](#), s. 48, [Sch. 5](#), (with s. 58(4), [Sch. 8](#) para. 1)

F20 Words repealed by [Merchant Shipping Act 1988 \(c. 12, SIF 111\)](#), ss. 48, 57(5), [Sch. 5](#) (with s. 58(4), [Sch. 8](#) para. 1)

Modifications etc. (not altering text)

C4 [S.731](#) amended by [General Rate Act 1967 \(c.9\)](#), s. 41; excluded (N.I.) by [S.I. 1977/2157 \(N.I. 28\)](#), art. 37, [Sch. 11](#)

732 Exemption from harbour dues.

All vessels belonging to or used by any of the general lighthouse authorities or the Board of Trade shall be entitled to enter, resort to, and use any harbours, ports, docks, or piers in the United Kingdom without payment of any tolls, dues or rates of any kind.

Private Signals

^{F21}**733**

Textual Amendments

F21 [S. 733](#) repealed (1.5.1994) by [1993 c. 22](#), s. 8(4), [Sch. 5 Pt. II](#); [S.I. 1993/3137](#), [art. 3\(2\)](#)

Application of Act to Foreign Ships by Order in Council

^{F22}**734**

Textual Amendments

F22 [S. 734](#) repealed (1.5.1994) by [1993 c. 22](#), s. 8(4), [Sch. 5 Pt. II](#); [S.I. 1993/3137](#), [art. 3\(2\)](#)

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Powers of Colonial Legislature

735 Power of colonial legislature to alter provisions of Act.

- (1) The legislature of any British possession may by any Act or Ordinance, confirmed by Her Majesty in Council, repeal, wholly or in part, any provisions of this Act (other than those of the Third Part thereof which relate to emigrant ships), relating to ships registered in that possession; but any such Act or Ordinance shall not take effect until the approval of Her Majesty has been proclaimed in the possession, or until such time thereafter as may be fixed by the Act or Ordinance for the purpose.
- (2) Where any Act or Ordinance of the legislature of a British possession has repealed in whole or in part as respects that possession any provision of the Acts repealed by this Act, that Act or Ordinance shall have the same effect in relation to the corresponding provisions of this Act as it had in relation to the provision repealed by this Act.

Modifications etc. (not altering text)

C5 [S. 735](#) restricted by enactments listed in Chronological Table of the Statutes

736 Regulation of coasting trade by clonial legislature.

The legislature of a British possession, may, by any Act or Ordinance, regulate the coasting trade of that British possession, subject in every case to the following conditions:—

- (a) The Act or Ordinance shall contain a suspending clause providing that the Act or Ordinance shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in the British possession in which it has been passed:
- (b) The Act or Ordinance shall treat all British ships (including the ships of any other British possession) in exactly the same manner as ships of the British possession in which it is made:
- (c) Where by treaty made before the passing of the ^{M1}Merchant Shipping (Colonial) Act 1869 (that is to say, before the thirteenth day of May eighteen hundred and sixty-nine), Her Majesty has agreed to grant to any ship of any foreign state any rights or privileges in respect of the coasting trade of any British possession, those rights and privileges shall be enjoyed by those ships for so long as Her Majesty has already agreed or may hereafter agree to grant the same, anything in the Act or Ordinance to the contrary notwithstanding.

Modifications etc. (not altering text)

C6 [S. 736](#) restricted by enactments listed in Chronological Table of the Statutes

Marginal Citations

M1 [1869 c. 11.](#)

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 XIV. (See end of Document for details)

Provision for Foreign Places where Her Majesty has Jurisdiction

F23 737

Textual Amendments

F23 S. 737 repealed (1.5.1994) by 1993 c. 22, s. 8(4), **Sch. 5 Pt.II**; S.I. 1993/3137, **art. 3(2)**

Orders in Council

738 Provision as to Orders in Council.

- (1) Where Her Majesty has power under this Act, or any Act hereafter to be passed amending the same, to make an Order in Council, Her Majesty may from time to time make that Order in Council, and by Order in Council revoke alter or add to any Order so made.
- (2) Every such Order in Council . . . ^{F24} shall be laid before both Houses of Parliament . . .
_{F24}
- (3) ^{F25}

Textual Amendments

F24 Words repealed by **Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), Sch. 1 Pt. XII**

F25 S. 738(3) repealed by **Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), Sch. 1 Pt. XII**

Modifications etc. (not altering text)

C7 S. 738 excluded by **Merchant Shipping Act 1979 (c. 39), s. 49(2)**

Transmission and Publication of Documents

739 Notices, &c. to be in writing and provision as to sending by post.

- (1) Where by this Act any notice, authority, order, direction, or other communication is required or authorised to be given or made by the Board of Trade, or the [^{F26}Commissioners of Customs and Excise], or the governor of a British possession, to any person not being an officer of such Board, or Commissioners, or governor, the same shall be given or made in writing.
- (2) Where any notice or document is by this Act required or authorised to be transmitted or sent, the same may be transmitted or sent by post.

Textual Amendments

F26 Words substituted by virtue of **Customs and Excise Management Act 1979 (c. 2), Sch. 4 para. 1**

740 ^{F27}

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Textual Amendments

F27 S. 740 repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), **Sch. 1 Pt. XII**

Exemption of Her Majesty's Ships

741 Exemption of Her Majesty's ships.

This Act shall not, except where specially provided, apply to ships belonging to Her Majesty.

Definitions and Provisions as to Application of Act

742 Definitions.

In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them; (that is to say,)

[^{F28}“the register” means the register of British ships kept under section 1 of the Merchant Shipping (Registration, etc.) Act 1993;

“registration regulations” means regulations under section 3 of that Act;]

“Vessel” including any ship or boat, or any other description of vessel used in navigation;

“Ship” includes every description of vessel used in navigation not propelled by oars;

“Foreign-going Ship” includes every ship employed in trading or going between some place or places in the United Kingdom, and some place or places situate beyond the following limits; that is to say, the coasts of the United Kingdom, the Channel Islands, and Isle of Man, and the continent of Europe between the River Elbe and Brest inclusive;

“Home trade ship” includes every ship employed in trading or going within the following limits; that is to say, the United Kingdom, the Channel Islands, and Isle of Man, and the continent of Europe between the River Elbe and Brest inclusive;

“Home trade passenger ship” means every home trade ship employed in carrying passengers;

“Master” includes every person (except a pilot) having command or charge of any ship;

“Seaman” includes every person (except [^{F29}masters and pilots] employed or engaged in any capacity on board any ship;

“Wages” includes emoluments;

“Effects” includes clothes and documents;

“Salvor” means, in the case of salvage services rendered by the officers or crew or part of the crew of any ship belonging to Her Majesty, the person in command of that ship;

“Pilot” means any person not belonging to a ship who has the conduct thereof;

“Court” in relation to any proceeding includes any magistrate or justice having jurisdiction in the matter to which the proceeding relate;

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“Colonial Court of Admiralty” has the same meaning as in the ^{M2}Colonial Courts of Admiralty Act 1890;

“A Commissioner for Oaths” means a commissioner for oaths within the meaning of the ^{M3}Commissioners for Oaths Act 1889;

“Chief Officer of Customs” includes the collector, superintendent, principal coast officer, or other chief [^{F30}officer of customs and excise] at each port;

[^{F31}“the Governor in Council” means the Governor of the Isle of Man (including the Lieutenant-Governor, Deputy Governor, Deputy Lieutenant-Governor, and the Acting Governor or Acting Lieutenant-Governor) acting on the advice and with the concurrence of the Executive Council of the Isle of Man;]

“Superintendent” shall, so far as respects a British possession, include any shipping master or other officer discharging in that possession the duties of a superintendent;

“Consular officer” when used in relation to a foreign country, means the officer recognised by Her Majesty as a consular officer of that foreign country;

“Bankruptcy” includes insolvency;

“Representation” means probate, administration confirmation, or other instrument constituting a person the executor, administrator, or other representative of a deceased person;

“Legal personal representative” means the person so constituted executor, administrator, or other representative, of a deceased person;

“Name” includes a surname;

“Port” includes place;

“Harbour” includes harbours properly so called, whether natural or artificial, estuaries, navigable rivers, piers, jetties, and other works in or at which ships can obtain shelter, or ships and unship goods or passengers;

“Tidal water” means any part of the sea and any part of a river within the ebb and flow of the tide at ordinary spring tides, and not being a harbour;

“Harbour authority” includes all persons or bodies of persons, corporate or unincorporate, being proprietors of, or intrusted with the duty or invested with the power of constructing, improving, managing, regulating, maintaining or lighting a harbour;

“Conservancy authority” includes all persons or bodies of persons, corporate or unincorporate, intrusted with the duty or invested with the power of conserving, maintaining, or improving the navigation of a tidal water;

“Lighthouse” shall in addition to the ordinary meaning of the word include any floating and other light exhibited for the guidance of ships, and also any sirens and any other description of fog signals, and also any addition to a lighthouse of any improved light, or any siren, or any description of fog signal;

“Buoys and beacons” includes all other marks and signs of the sea;

The Trinity House” shall mean the master wardens and assistants of the guild, fraternity, or brotherhood of the most glorious and undivided Trinity and of St. Clement in the parish of Deptford Strond in the county of Kent, commonly called the corporation of the Trinity House of Deptford Strond;

“The Commissioners of Irish Lights” means the body incorporated by that name under the ^{M4}Dublin Port Act 1867 and any Act amending the same;

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“Lifeboat service” means the saving, or attempted saving of vessels, or of life, or property on board vessels, wrecked or aground or sunk, or in danger of being wrecked or getting aground or sinking.

Any reference to failure to do any act or thing shall include a reference to refusal to do that act or thing.

Textual Amendments

- F28** Definitions in s. 742 inserted (21.3.1994) by 1993 c. 22, s. 8(1), **Sch. 2**, para. 2(b); S.I. 1993/3137, **art. 3(2)**
- F29** Words substituted by Merchant Shipping Act 1970 (c. 36), **Sch. 3 para. 4**
- F30** Words substituted by virtue of Customs and Excise Management Act 1979 (c. 2), **Sch. 4 para. 1**
- F31** Words inserted by S.I. 1980/399, **Sch. Pt. I para. 10**

Marginal Citations

- M2** 1890 c. 27.
- M3** 1889 c. 10.
- M4** 1867 c. lxxxii.

743 Application of Act to ships propelled by electricity, &c.

Any provisions of this Act applying to steamers or steamships shall apply to ships propelled by electricity or other mechanical power with such modifications as the Board of Trade may prescribe for the purpose of adaptation.

744 ^{F32}

Textual Amendments

- F32** S. 744 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)

Repeal and Savings

745 Repeal.

(1) ^{F33}

- (a) Any Order in Council, licence, certificate, byelaw, rule, or regulation made or granted under any enactment hereby repealed shall continue in force as if it had been made or granted under this Act;
- (b) Any officer appointed, any body elected or constituted, and any . . . ^{F34} office established, under any enactment hereby repealed shall continue and be deemed to have been appointed, elected, constituted, or established, as the case may be, under this Act;
- (c) Any document referring to any Act or enactment hereby repealed shall be construed to refer to this Act, or to the corresponding enactment of this Act;
- (d) Any penalty may be recovered, and any offence may be prosecuted, under any provision of the Merchant Shipping Acts, 1854 to 1892, which is not repealed

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by this Act, in the same manner as fines may be recovered and offences prosecuted under this Act;

- (e) Ships registered under the ^{M5}Merchant Shipping Act 1854, and the Acts amending the same, or duly registered before the passing of the ^{M6}Merchant Shipping Act 1854, shall be deemed to have been registered under this Act;
 - (f) Nothing in this Act shall affect the ^{M7}Behring Sea Award Act 1894, and that Act shall have effect as if this Act had not passed.
- (2) The mention of particular matters in this section shall not be held to prejudice or affect the general application of [^{F35}sections 16(1) and 17(2)(a) of the ^{M8}Interpretation Act 1978], with regard to the effect of repeals.

The tonnage of every ship not measured or remeasured in accordance with the ^{M9}Merchant Shipping Tonnage Act 1889, shall be estimated for all purposes as if any deduction prohibited by the Merchant Shipping (Tonnage) Act 1889, had not been made, and the particulars relating to the ship's tonnage in the registry book and in her certificate of registry shall be corrected accordingly.

Textual Amendments

F33 Words repealed by [Statute Law Revision Act 1908 \(c. 49\)](#)

F34 Words repealed by [Merchant Shipping Act 1970 \(c. 36\)](#), s. 100, [Sch. 5](#)

F35 Words substituted by virtue of [Interpretation Act 1978 \(c. 30\)](#), s. 25(2)

Marginal Citations

M5 1854 c. 120.

M6 1854 c. 120.

M7 1894 c. 2.

M8 1978 c. 30.

M9 1889 c. 43.

746 Savings.

(1) ^{F36}

(2) Any local Act which repeals or affects any provisions of the Acts repealed by this Act shall have the same effect on the corresponding provisions of this Act as it had on the said provisions repealed by this Act.

(3) ^{F37}

Textual Amendments

F36 S. 746(1) repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#), [Sch. 1 Pt. XV](#)

F37 S. 746(3) repealed by [Statute Law Revision Act 1953 \(2 & 3 Eliz. 2 c. 5\)](#)

Short Title and Commencement

747 Short title.

This Act may be cited as the Merchant Shipping Act 1894.

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 XIV. (See end of Document for details)

748 F38

Textual Amendments

F38 S. 748 repealed by Statute Law Revision Act 1908 (c. 49)

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 XIV.