

## CHAPTER 145.

## SHIPPING CASUALTIES, WRECKS AND SALVAGE.

## ARRANGEMENT OF SECTIONS.

## SECTION.

## PART I.

1. Short title.
2. Application.
3. Interpretation.
4. Exception.

## PART II.—CASES WHERE INQUIRIES MAY BE HELD.

5. Shipping casualty.
6. Incompetence and misconduct.
7. Inquiries to be as prescribed.

## PART III.—PRELIMINARY INQUIRY.

8. Preliminary inquiry.
9. Powers of officer at preliminary inquiry.
10. Obstruction of officer at inquiry.

## PART IV.—FORMAL INQUIRIES.

11. Formal inquiry.
12. Transmission of report or statement of case.
13. Jurisdiction of Court at inquiry.
14. Judge may sit with assessors.
15. Power of Court as to certificate.
16. Person charged may make defence.
17. Delivery of certificate cancelled or suspended.
18. Costs of formal inquiry.
19. Procedure at formal inquiry.

## PART V.—REMOVAL OF MASTER.

20. Removal by Court of master within jurisdiction.

## PART VI.—RULES.

21. Rules as to preliminary and formal inquiries.

## PART VII.—RECEIVERS OF WRECK.

22. Superintendence of matters relating to wreck.

## PART VIII.—VESSELS IN DISTRESS.

23. Duty of Receiver when ship stranded or in distress.
24. Powers of Receiver.
25. Power to pass over adjoining lands.
26. Suppression of plunder or disorder.
27. Who to act in absence of Receiver.
28. Examination with respect to ships in distress.

PART IX.—DEALING WITH WRECK.

SECTION.

- 29. Provision as to wrecks found within limits of Ordinance.
- 30. Penalty for taking wreck at time of casualty.
- 31. Notice of wreck to be given by Receiver.
- 32. Claims of owners to wreck.
- 33. Immediate sale of wreck by Receiver in certain cases.

PART X.—UNCLAIMED WRECK.

- 34. Disposal of unclaimed wreck.
- 35. Delivery of unclaimed wreck by Receiver not to prejudice title.

PART XI.—OFFENCES IN RESPECT OF WRECK.

- 36. Taking wreck to foreign port.
- 37. Interfering with wreck.
- 38. Summary procedure for concealment of wreck.

PART XII.—MARINE STORE DEALERS.

- 39. Name and trade of marine store dealer to be painted on his shop.
- 40. Books to be kept by marine store dealer.
- 41. Marine store dealer not to purchase from person under sixteen.
- 42. Marine store dealer not to cut up cable without permit.
- 43. Advertisement of permit before dealer proceeds to act thereon.

PART XIII.—MARKING OF ANCHORS.

- 44. Marking of anchors.

PART XIV.—SALVAGE.

- 45. Salvage payable for saving life.
- 46. Salvage of cargo or wreck.

PART XV.—PROCEDURE IN SALVAGE.

- 47. Determination of salvage disputes.
- 48. Application for determination of disputes.
- 49. Assessors in salvage disputes.
- 50. Valuation of property by Receiver.
- 51. Detention of property liable for salvage by a Receiver.
- 52. Sale of detained property by Receiver.
- 53. Apportionment of salvage under £100 by Receiver.
- 54. Apportionment of salvage over £100.

PART XVI.—JURISDICTION OF THE SUPREME COURT IN SALVAGE.

- 55. Jurisdiction of Supreme Court in salvage.

PART XVII.—FEES OF RECEIVERS OF WRECK.

- 56. Receiver's fees.

PART XVIII.—DUTIES ON WRECK.

- 57. Duties on wreck.

## PART XIX.—MISCELLANEOUS.

## SECTION.

58. Magistrate may hear offences.  
 59. Penalty for false evidence.

## SCHEDULE.

## CHAPTER 145.

## SHIPPING CASUALTIES, WRECKS AND SALVAGE.

15 of 1907.  
 5 of 1908.  
 15 of 1909.  
 19 of 1935.  
 12 of 1950.  
 20 of 1952.

**An Ordinance to make better Provisions for the holding of Inquiries in respect of Shipping Casualties, for dealing with Wrecks, and as to Salvage.**

[14TH MAY, 1907.]

## PART I.—PRELIMINARY.

## Short title.

1. This Ordinance may be cited as the Shipping Casualties, Wrecks and Salvage Ordinance.

## Application.

2. This Ordinance shall, save where the context authorises a wider application, extend to the Colony and Protectorate and the waters thereof.

## Interpretation.

3. In this Ordinance, unless the context otherwise requires—

“Court” means the Supreme Court;

“district” means a district as constituted by any Ordinance in force;

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

“salvage” includes all expenses properly incurred by the salvor in the performance of the salvage services;

“ship” includes every description of vessel used in navigation not propelled by oars or paddles worked by hand;

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

“wreck” includes jetsam, flotsam, lagan and derelict found in, or on the shores of, the sea or any tidal water;

“Harbour-master” means the Harbour-master of Free-town Harbour.

4. This Ordinance other than Part V hereof shall apply to ships in the service of the Government but shall in no way apply to other ships belonging to Her Majesty.

Exception.  
12 of 1950.

## PART II.—CASES WHERE INQUIRIES MAY BE HELD.

5. (1) Inquiries as to casualties affecting ships shall only be authorised in the case of casualties occurring to a British ship on or near the coasts of the Colony or Protectorate, or in the course of a voyage to a port within the Colony or Protectorate, or occurring in any part of the world to a British ship registered in the Colony, or when some of the crew of a British ship to which a casualty has occurred, who are competent witnesses to the facts, are found within the Colony.

Shipping  
casualty.

(2) Subject to the provisions of the preceding sub-section, a casualty shall be deemed to occur when—

- (a) a ship is lost, abandoned, damaged, or stranded; or
- (b) causes loss or material damage to any other ship; or
- (c) any loss of life occurs by means of any casualty.

6. Inquiries under this Ordinance as to the conduct of the masters, mates, or engineers of ships, shall only be authorised when the charge against any master, mate, or engineer is that he is incompetent, or has been guilty of any gross act of misconduct, drunkenness, tyranny, or that in a case of collision he has failed to render such assistance, or give such information as is required under the fifth part of the Imperial Statute called the Merchant Shipping Act, 1894, and that such incompetency, misconduct, drunkenness, tyranny, or failure to render assistance or give information has occurred on board a British ship on or near the coasts of the Colony or Protectorate, or on board a British ship in the course of a voyage to a port within the Colony or Protectorate, or on board a British ship registered in the Colony, or when the master, mate, or engineer of a British ship charged with incompetency, misconduct, drunkenness, tyranny, or failure to render such assistance or give such information on board that British ship is found in the Colony.

Incompetence  
and mis-  
conduct.

57 & 58 Vict.,  
c. 60.

7. Subject to the provisions of the two preceding sections, inquiries may be made in the manner prescribed by this Ordinance as to shipping casualties or as to the conduct of masters, mates, or engineers.

Inquiries to  
be as  
prescribed.

## PART III.—PRELIMINARY INQUIRY.

Preliminary  
inquiry.

8. (1) Whenever an inquiry may be made pursuant to the authority conferred by the last preceding section into a shipping casualty, a preliminary inquiry may be made by the Harbour-master, or by such other person as the Governor may authorise to make such inquiry.

(2) The Harbour-master, or other person authorised as aforesaid, shall, as soon as practicable, forward a report of his inquiry to the Governor.

Powers of  
officer at  
preliminary  
inquiry.

9. Every such officer or person as aforesaid shall have the following powers, that is to say—

(a) He may go on board any ship and inspect the same, or any part thereof, or any of the machinery, boats, equipments, or articles on board thereof, not unnecessarily detaining or delaying her from proceeding on any voyage;

(b) He may enter and inspect any premises, the entry or inspection of which appears to be requisite for the purpose of the inquiry;

(c) He may, by summons under his hand, require the attendance of all such persons as he thinks fit to call before him and examine for the purpose of the inquiry, and may require answers or returns to any inquiries which he thinks fit to make;

(d) He may require and enforce the production of all books, papers, or documents which he considers important for the purpose of the inquiry; and

(e) He may administer oaths or may, in lieu of requiring or administering an oath, require every person examined by him to make and subscribe a declaration of the truth of the statements made by him in his examination.

Every witness so summoned as aforesaid shall be allowed such expenses as would be allowed to any witness attending on *subpœna* to give evidence before the Court, and in case of any dispute as to the amount of such expenses, the same shall be referred to a Judge of the Supreme Court, who shall, on a request made to him for the purpose under the hand of such officer or person as aforesaid, ascertain and certify the proper amount of such expenses; and every person who, without sufficient cause, refuses to attend as a witness before any such officer or person as aforesaid, after having been required so to do in the manner hereby directed, or who, without sufficient cause, refuses or neglects to make any answer, or to give any