CHAPTER 76.

An Act to amend the Merchant Shipping Acts, 1854 to 1880, with respect to Colonial Courts of Inquiry. A.D. 1882.

[18th August 1882.]

WHEREAS it is expedient to amend the Merchant Shipping Acts, 1854 to 1880, with respect to Inquiries held in British possessions abroad into charges of incompetency or misconduct on the part of masters, mates, or engineers of ships, or into shipwrecks or other casualties affecting ships: 17 & 18 Vict. c. 104. &c.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Merchant Shipping (Colonial Inquiries) Act, 1882. Short title.

2. This Act shall be construed as one with the Merchant Shipping Act, 1854, and the Acts amending the same, and the said Acts and this Act may be cited collectively as the Merchant Shipping Acts, 1854 to 1882. Construction of Act.

3. Every court or tribunal which is already authorised or which may hereafter be authorised by the legislative authority in any British possession to make inquiry into charges of incompetency or misconduct on the part of masters, mates, or engineers of ships, or as to shipwrecks or other casualties affecting ships, shall in the cases following; that is to say, Colonial courts or tribunals to have jurisdiction to make inquiry into charges of misconduct or incompetency and shipping casualties in certain cases

I. When the incompetency or misconduct has occurred on board of a British ship on or near the coasts of the British possession or on board of a British ship in the course of a voyage to a port within the British possession:

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occurring outside the limits of the colony.

II. When the incompetency or misconduct has occurred in any part of the world on board a British ship registered in the British possession:

III. When the shipwreck or casualty occurs to a British ship on or near the coasts of the British possession or to a British ship in the course of a voyage to a port within the British possession:

IV. When the shipwreck or casualty occurs in any part of the world to a British ship registered in the British possession:

V. When the master, mate, or engineer of a British ship who is charged with incompetency or misconduct on board of such British ship is found in the British possession:

VI. When some of the crew of a British ship which has been wrecked or to which a casualty has occurred, and who are competent witnesses to the facts, are found in the British possession;

wherever the incompetency, misconduct, shipwreck, or casualty has occurred, have the same jurisdiction as such court or tribunal would have had if such incompetency, misconduct, shipwreck, or casualty had occurred within the ordinary jurisdiction of such court or tribunal, but subject to all provisions, restrictions, and conditions which would have been applicable if they had so occurred: Provided that no inquiry shall be held under this Act into any shipwreck, or other casualty, or charge of incompetency or misconduct, which has once been the subject of such an inquiry and has been reported on by any competent court or tribunal in any part of Her Majesty's dominions, or in respect of which the certificate of a master, mate, or engineer has been suspended or cancelled by a naval court; and provided also, that where any inquiry has been commenced in the United Kingdom no inquiry shall be made in the same case under the authority of this Act in any British possession.

In all the above cases the "British possession" shall mean the British possession by the legislative authority whereof the court or tribunal is authorised to make inquiry.

Colonial legislative authorities empowered to authorise inquiries into shipping casualties and

4. The legislative authority in any British possession is hereby empowered to authorise courts or tribunals to make inquiries in the cases enumerated in the last preceding section of this Act into charges of incompetency or misconduct on the part of masters,

mates, or engineers of ships, or as to shipwrecks or other casualties affecting ships, subject to the provisions in the last preceding section of this Act mentioned.

charges of misconduct and incompetency in certain cases.

5. The powers of suspending or cancelling the certificate of any master, mate, or engineer of a ship, conferred by the provisions of the Merchant Shipping Acts, 1854 to 1880, upon or after any inquiry or investigation held under the provisions of the said Acts, shall be applicable to and be exercised upon or after any inquiry by any court or tribunal authorised by this Act, or authorised by the legislative authority of any British possession under the powers conferred by this Act. Such power of suspension or cancellation shall be exercised by the court or tribunal holding the inquiry in the manner provided by section twenty-three of the Merchant Shipping Act Amendment Act, 1862, and the Board of Trade shall in such cases have all the powers conferred upon them by the said section.

Suspension or cancellation of certificates.

25 & 26 Vict. c. 63.

6. Whenever any inquiry authorised by or in pursuance of this Act has been held, a rehearing of the case may be ordered, and if an application for such rehearing has not been made or has been refused, an appeal shall lie from any order of finding of the court or tribunal holding such inquiry to the following court, namely, the Probate, Divorce, and Admiralty Division of Her Majesty's High Court of Justice in England.

Appeal from colonial courts.

Provided always, that no appeal shall lie from any order or finding in an inquiry into a casualty affecting a ship registered in a British possession, or from any decision respecting the suspension or cancellation of the certificate of a master, mate, or engineer, unless such certificate has been granted under the authority of the Merchant Shipping Act, 1854, or any Act amending the same, or of the Merchant Shipping Colonial Act, 1869.

32 & 33 Vict. c. 11.

Any such appeal shall be subject to and conducted in accordance with such conditions and regulations as may from time to time be prescribed by general rules made under section thirty of the Merchant Shipping Act, 1876.

39 & 40 Vict. c. 80.

7. The words "and such report is confirmed by the governor or "person administering the government of such possession" in case (V) of the cases enumerated in section two hundred and forty-two of the Merchant Shipping Act, 1854, are hereby repealed, and this repeal shall be deemed to take effect as if the said words had been

Repeal of part of 17 & 18 Vict. c. 104. s. 242.

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expressly repealed by the Merchant Shipping Act Amendment Act, 1862. The confirmation of the report required by the said words shall be deemed to have been no longer necessary after the passing of the Merchant Shipping Act Amendment Act, 1862, as a condition precedent to the suspension or cancellation of the certificate of any master, mate, or engineer.

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