

SCHEDULE.

			£	s.	d.
Royalty upon every fur seal	...	...	0	4	0
Royalty upon every hair seal	...	...	0	2	0
Royalty upon every other seal	...	...	0	3	0

WRECKS.

Ordinance No. 3 of 1899.

[5th October, 1899.]

Be it enacted by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

Interpretation.

1. In this Ordinance:—

The expression "Court" means a Magistrate or two Justices.

The expression "Receiver" means a Receiver of Wrecks appointed under Section 11 of this Ordinance.

The expression "Ship" includes every description of vessel not propelled by oars only.

The expression "Wreck" includes jetsam, flotsam, lagan and derelict found in or on the shores of the sea or any tidal water.

A "Shipping Casualty" shall be deemed to occur:—

(a) When any ship is lost, abandoned, or materially damaged.

(b) When any ship has been stranded or damaged.

(c) When any ship causes loss or material damage to another ship.

(d) When any loss of life ensues by reason of any casualty happening to or on board any ship.

(e) When any British ship is lost or is supposed to have been lost and any evidence is obtainable in the Colony as to the circumstances under which she proceeded to sea or was last heard of.

INQUIRIES INTO WRECKS.

2. In any of the cases following :—

Receiver to
make inquiries.

(1) Whenever a shipwreck or casualty occurs to a British ship on or near the coasts of this Colony; or to a British ship in the course of a voyage to a port within this Colony.

(2) Whenever a shipwreck or casualty occurs in any part of the world to a ship registered in this Colony.

(3) Whenever 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 this Colony.

(4) Whenever incompetency or misconduct has occurred on board a British ship on or near such coast, or on board a British ship in the course of a voyage to a port within this Colony.

(5) Whenever incompetency or misconduct has occurred on board a ship registered in this Colony.

(6) Whenever the master, mate or engineer of a British ship who is charged with incompetency or misconduct on board such ship is found in this Colony.

It shall be lawful for the Receiver, or for any other person appointed for the purpose by the Governor, to make inquiry respecting such loss, abandonment, damage, casualty, incompetency, or misconduct.

3. Every such Receiver or other duly appointed person shall have the following powers :—

His powers at
inquiries.

(1) He may go on board any ship and inspect any part thereof, or any of the machinery, boats, equipments or articles on board thereof to which the provisions of the Imperial " Merchant Shipping Acts " apply, not unnecessarily detaining or delaying her from proceeding on any voyage.

(2) He may inspect any premises, the inspection of which appears to him to be requisite for the purpose of the report.

(3) He may by summons under his hand require the attendance of any person he thinks fit to call before him, and examine for such purpose, and may require answers or returns to any inquiries.

(4) He may enforce the production of all books, papers or documents which he considers necessary for such purpose.

(5) He may administer oaths or may require every person examined by him to make and subscribe a declaration of the truth of the statements made by him.

And every witness shall be allowed such expenses as would be paid to any witness attending the Supreme Court, and, in case of any dispute as to the amount of such expenses, the same shall be referred to the Chief Justice, whose decision shall be final.

Interference in
Receiver's
duties.

4. Every person who wilfully impedes any Receiver or other person appointed as aforesaid, in the execution of his duty, whether on board any ship or elsewhere, may be seized and detained by such officer or other person, or by any person whom he may call to his assistance, until such offender can be conveniently taken before a Justice.

Formal
investigation.

5. If it appears that a formal investigation is requisite, or if the Governor so directs, the Receiver shall apply to a Court, to hold the same, and such Court shall have the same powers as in cases of summary procedure or as near thereto as circumstances permit. The Receiver shall superintend the management of the case, and render such assistance to the Court as is in his power, and the Court shall send a full report upon the case, with the evidence, to the Governor who shall transmit it to the Board of Trade.

Constitution of
Court.

6. The Court holding a formal investigation into a shipping casualty shall hold the same with the assistance (when practicable) of two assessors of

nautical engineering, or other special skill or knowledge, to be appointed by the Governor. Where a formal investigation involves or appears likely to involve any question as to the cancelling or suspension of the certificate of a master, mate, or engineer, the Court shall hold the investigation with the assistance of not less than two persons having experience in the merchant service.

Each assessor shall either sign the report made on the investigation, or report to the Governor his reasons for his dissent therefrom:

Provided that the Court shall not cancel or suspend a certificate unless one at least of the assessors concurs in the finding of the Court.

7. The certificate of a master, mate, or engineer may be cancelled or suspended by a Court holding a formal investigation into a shipping casualty if they find that the loss or abandonment of or serious damage to any ship, or loss of life has been caused by his wrongful act or default.

Powers of Court
as to shipping
casualty.

The Court may make such order with respect to the costs of any such investigation or any part thereof as it may deem just, and the Governor may, if in any case he thinks fit so to do, pay the expense of any such investigation, and may pay to any such assessor as aforesaid such remuneration as he thinks fit, and all such remunerations and expenses, if ordered by the Governor to be paid, shall be paid out of the general revenue of the Colony.

8. The Court may, without the aid of assessors, hold an inquiry into any charge of incompetency or misconduct on the part of a master, mate, or engineer, and if it finds that such master, mate, or engineer is incompetent, or has been guilty of any gross act of misconduct, drunkenness or tyranny, or if in case of collision he has failed to render such assistance or give such information as is required under the Imperial Merchant Shipping Acts, the Court may cancel or suspend his certificate.

Powers of Court
as to officer's
conduct.

9. The Court may, if it thinks fit, require any master, mate, or engineer possessing a certificate under any Act of the Imperial Parliament, whose

When certifi-
cate to be
delivered to
Court.

certificate has been cancelled or suspended, to deliver such certificate to the Court, and the Court shall forward the same with the report to the Governor for transmission to the Board of Trade. If a master, mate, or engineer fails to comply with the provisions of this section he shall for each offence be liable to a penalty not exceeding fifty pounds.

Charge to be
furnished to
accused prior
to proceedings.

10. No certificate shall be cancelled or suspended unless a copy of the report or statement of the case upon which such investigation is ordered has been furnished to the owner of the certificate before the commencement of the investigation, and every investigation under Section 6 shall be conducted in such manner that any person whose conduct may be called in question shall have an opportunity of making a defence.

APPOINTMENT AND DUTIES OF RECEIVERS OF WRECKS.

Appointment of
Receivers.

11. The Governor shall throughout the Colony have the general superintendence of all matters relating to wrecks and may appoint any person to be a Receiver of Wrecks in any district, and to perform such duties as are hereinafter mentioned.

Duties of
Receivers.

12. Whenever any ship is stranded or in distress within the limits of the Colony the Receiver of the district shall forthwith proceed to such place and take the command of all persons present and assign such duties and issue such directions as he may think fit with a view to the preservation of such ship and the lives of the persons belonging thereto, and the cargo and apparel thereof, and if any person wilfully disobeys such directions he shall forfeit a sum not exceeding fifty pounds, but it shall not be lawful for such Receiver to interfere between the master of such ship and his crew in matters relating to the management thereof unless he is requested so to do by such master.

Powers of
Receiver in case
of wrecks.

13. The Receiver may, with a view to such preservation as aforesaid, do the following things, that is to say :—

(1) Require such number of men as he thinks necessary to assist him.

(2) Require the master or other person having the charge of any ship or boat near at hand to give such aid with his men, ship, or boat as may be in his power.

(3) Demand the use of any vehicle, or of any horses, mules, asses, or oxen that may be near at hand.

If any person refuses without reasonable cause to comply with any such requisition or demand, such person shall for each refusal be liable to a penalty not exceeding one hundred pounds.

14. All cargo and other articles belonging to such ship as aforesaid that may be washed on shore or otherwise taken from such ship shall be delivered to the Receiver. If any person, whether he is the owner or not, secretes or keeps possession of any such cargo or article, or refuses to deliver the same to the Receiver or to any person authorised by him to demand the same, such person shall for each offence be liable to a penalty not exceeding one hundred pounds.

Disposal of all cargo.

15. Whenever any person plunders, creates disorder, or obstructs the preservation of a ship, boat, lives or cargo, it shall be lawful for the Receiver to cause such person to be apprehended and to use force for the suppression of such plundering, disorder or obstruction as aforesaid, with power to command all Her Majesty's subjects to assist him in the use of such force, and if any person is killed, maimed or hurt, by reason of his resisting the Receiver in the execution of his duties, or any person acting under his orders, such Receiver or other person shall be fully indemnified as well against the Queen's Majesty, as against all persons so killed, maimed or hurt.

Suppression of plunder.

16. During the absence of the Receiver or in places where no Receiver has been appointed the following officers in succession, each in the absence of the other, in the order in which they are named, that is to say, any collector or other principal officer of customs, and also any District Magistrate, Justice,

Who may act in absence, etc., of Receiver.

commissioned officer on full pay in the naval or military service of Her Majesty, may do all matters and things hereby authorised to be done by the Receiver, with this exception, that with respect to any articles belonging to any such ship the delivery up of which to the Receiver is hereinbefore required, any officer so acting shall be considered as the agent of the Receiver, and shall place the same in the custody of the Receiver, and no person so acting as substitute for any Receiver shall be entitled to any fees payable to Receivers, or be deprived by reason of his so acting of any right to salvage to which he would otherwise be entitled.

Power to pass
over adjoining
lands.

17. All persons may for the purpose of rendering assistance to a ship or saving lives or cargo or apparel, unless there is some public road equally convenient, pass and repass, either with or without vehicles, over any adjoining lands, without being subject to interruption, provided that they do as little damage as possible, and may also, on the like condition, deposit on such lands any article recovered from such ship, and all damages that may be sustained in consequence of any such passing or repassing or deposit as aforesaid shall be a charge on the ship, or articles in respect of or by which such damage was occasioned, and shall in default of payment be recoverable in the same manner as salvage is recoverable, and the amount payable in respect thereof, if disputed, shall be determined in the same manner as the amount of salvage is determinable.

Examination
in cases of ships
in distress

18. Any Receiver, or in his absence any Justice, shall as soon as conveniently may be examine upon oath any person belonging to any ship which may be or may have been in distress within the limits of this Colony, or any other person who may be able to give any account thereof or of the cargo or stores thereof, as to the following matters, that is to say :—

- (1) The name and description of the ship.
- (2) The names of the master and the owners.
- (3) The names of the owners of the cargo.
- (4) The places from and to which the ship was bound.

- (5) The occasion of the distress of the ship.
- (6) The services rendered.
- (7) Such other matters relating to such ship or to the cargo as seems necessary.

Such examination shall be taken down in writing, and for the purposes of such examination every such Receiver or Justice as aforesaid shall have all the powers given by the third section of this Ordinance to the Receiver.

19. The following rules shall be observed by any person finding or taking possession of any wreck :—

Wreck found to be reported.

- (1) If he be the owner he shall as soon as possible give notice to the Receiver of the district, and he shall describe in such notice the marks by which such wreck is distinguished.
- (2) If he be not the owner he shall as soon as possible deliver the same to a Receiver.

And any person making default in obeying the provisions of this section shall incur the following penalties :—

- (3) If he is the owner he shall incur a penalty not exceeding one hundred pounds.
- (4) If he is not the owner he shall forfeit all claim to salvage and shall pay to the owner of such wreck, if the same is claimed, but if the same is unclaimed, then to the person entitled to such unclaimed wreck, double the value of such wreck (such value to be recovered in the same way as a penalty of like amount), and he shall incur a penalty not exceeding one hundred pounds.

20. If any Receiver suspects or receives information that any wreck is secreted or in the possession of some person who is not the owner thereof or has been otherwise improperly dealt with, he may apply to any Justice for a warrant, and such Justice may grant a warrant by virtue whereof it shall be lawful for the Receiver to enter into any house or other place wherever situate and also into any ship or boat, and to search for and to seize and detain any such wreck as aforesaid there found.

Improperly dealing with wreck.

Notice of wreck
to be published.

21. Every Receiver shall, within one week after taking possession of any wreck, cause to be posted up in the Custom House of the port nearest to the place where such wreck was found or seized a description of the same and of any marks by which it is distinguished.

Immediate sale
of wreck in
certain cases.

22. In cases where any wreck in the custody of a Receiver is under the value of five pounds, or is of so perishable a nature or so much damaged that the same cannot, in his opinion, be advantageously kept, or if the value thereof is not sufficient to defray the charge of warehousing, the Receiver may sell the same by auction immediately, and the money raised by such sale shall be held by him for the same purposes as receipts from the sale of wreck under Section 28 of this Ordinance.

Receiver's ex-
penses and fees.

23. There shall be paid to all Receivers the expenses properly incurred by them in the performance of their duties and also in respect of the several matters specified in the Schedule hereto, such fees, not exceeding the amounts therein mentioned, as may from time to time be directed by the Governor, and the Receiver shall have the same lien and be entitled to the same remedies for the recovery of such expenses and fees as a salvor has or is entitled to in respect of salvage due to him, but, save as aforesaid, no Receiver shall as such be entitled to any remuneration whatsoever.

Disputes as to
expenses and
fees.

24. Whenever any dispute arises as to the amount payable to any Receiver in respect of expenses or fees, such dispute shall be determined by the Governor, whose decision shall be final.

25. All fees received by any Receiver and all penalties levied under this Ordinance shall be paid into the Treasury and credited to a Wreck and Casualty Fund, and the Governor may defray out of such fund any expenses duly incurred in carrying into effect the purposes of this Ordinance.

SALVAGE.

26. Whenever any ship or boat is stranded or otherwise in distress within the limits of the Colony and services are rendered by any person—

Salvage of wreck or cargo.

- (1) In assisting such ship or boat.
- (2) In saving the lives of the persons belonging to such ship or boat.
- (3) In saving the cargo or apparel of such ship or boat or any portion thereof,

and whenever any wreck is saved by any person other than a Receiver, there shall be payable by the owners of such ship or boat, cargo, apparel or wreck, to the person by whom such services or any of them are rendered or by whom such wreck is saved, a reasonable amount of salvage, together with all expenses properly incurred by him.

27. Salvage in respect of the preservation of life shall be payable by the owners of the ship in priority to all other claims for salvage, and in cases where such ship is destroyed or where the value thereof is insufficient, after payment of the actual expenses incurred, to pay the amount of salvage due in respect of any life, the Governor may, in his discretion, award to the salvors of such life, out of the Wreck and Casualty Fund, such sum as he deems fit, in whole or part satisfaction of any amount of salvage so left unpaid.

Salvage of life.

28. Subject to the payment of all incidental expenses, fees and salvage as aforesaid, the owner of any wreck who establishes his claim thereto to the satisfaction of the Receiver, within one year from the date at which such wreck has come into the possession of the Receiver, shall be entitled to have the same delivered up to him.

Disposal of claimed wreck.

UNCLAIMED WRECK.

29. If no owner establishes his claim to any wreck found at any place before the expiration of

Disposal of unclaimed wreck.

a year from the date at which the same has come into the hands of the Receiver, and no person, other than Her Majesty, is proved to be entitled to such wreck, the Receiver shall forthwith sell the same, and after payment of all expenses attending such sale and deducting therefrom his fees and all expenses, if any, incurred by him, and paying to the salvors such amount of salvage as the Governor may in each case or by general rule determine, pay the same into the Public Treasury, and the same shall form part of the general revenues of the Colony.

OFFENCES IN RESPECT OF WRECK.

Offences in
respect of
wreck.

30. Every person—

(1) Who wrongfully carries away or removes any part of any ship or boat stranded or in danger of being stranded or otherwise in distress, on or near the shore of any sea or tidal water, or any part of the cargo or apparel thereof, or any wreck, or

(2) Who endeavours in any way to impede or hinder the saving of such ship, boat, cargo, apparel or wreck, or

(3) Who secretes any wreck or obliterates or defaces any marks thereon, or

(4) In whose possession or on whose premises any goods, merchandise or other articles belonging to any ship in distress, or wrecked, stranded or cast on shore, shall be found, and who shall not satisfy the Justice before whom he shall be brought that he came lawfully by the same, or that the same was on his premises without his knowledge or assent, or

(5) Who offers or exposes for sale any goods, merchandise or articles which have been unlawfully taken or may reasonably be suspected to have been taken from any ship in distress, or wrecked, stranded or cast on shore, and who shall not satisfy the Justice before whom he shall be brought that he came lawfully by the same,

shall, in addition to any other penalty or punishment he may be subject to under this Ordinance or any other law, for each such offence incur a penalty not exceeding fifty pounds, and every person not being a Receiver or person hereinbefore authorised to take the command in cases of ships being stranded or in distress or not acting under the orders of such Receiver or person, who without the leave of the master endeavours to board any such ship as aforesaid, shall for each offence incur a penalty not exceeding fifty pounds, and it shall be lawful for the master of such ship to repel by force any person so attempting to board the same.

MISCELLANEOUS.

31. All wreck, being goods brought or coming into the Colony, shall be subject to the same duties as if the same were imported into the Colony, and if any question arises as to the origin of such goods they shall be deemed to be the produce of such country as the Governor may upon investigation determine.

Duties on
wrecked goods.

32. Whenever any articles belonging to or forming part of any foreign ship which has been wrecked on or near the coasts of this Colony, or belonging to or forming part of the cargo thereof, are found on or near such coasts or are brought into any port of this Colony, the Consul of the country to which such ship or, in the case of cargo, to which the owners of such cargo may have belonged, or any consular officer of such country authorised in that behalf by any treaty or arrangement with such country, shall, in the absence of the owner of such ship or articles and of the master or other agents of the owner, be deemed to be the agents of the owner so far as relates to the custody and disposal of such articles.

Claims of
owners to
foreign ships.

33. The Governor may permit all goods saved from any ship on its homeward voyage to be forwarded to the port of original destination, and on its outward voyage to be returned to the port at which the same were shipped, but the Governor shall

Disposal of
goods saved.

take security for the due protection of the revenue in respect of such goods.

War vessels
exempted from
provisions of
Ordinance.

34. This Ordinance shall not apply to any ship belonging to or in the service of Her Majesty or belonging to or in the service of any foreign power or state.

Short title.

35. This Ordinance may be cited as "The Wrecks Ordinance, 1899."

SCHEDULE.

FEES AND REMUNERATION.

For every examination on oath instituted by a Receiver with respect to any ship which may be or may have been in distress a fee not exceeding one pound, but so that in no case a larger fee than two pounds be charged for examinations taken in respect of the same ship and the same occurrence, whatever may be the number of the deponents.

For wreck taken by the Receiver into his custody, 5 per cent. of the value thereof, but so that in no case shall the whole amount of percentage so payable exceed twenty pounds.

In cases where any services are rendered by a Receiver in respect of any ship in distress not being wreck, or in respect of the cargo or other articles belonging thereto, the following fees instead of percentage, that is to say:—

If such ship with her cargo equals or exceeds in value £600 the sum of two pounds for the first and the sum of one pound for every subsequent day during which the Receiver is employed on such service, but if such ship with her cargo is less in value than £600, one moiety of the above-mentioned sum.

CUSTOMS.

Ordinance No. 1 of 1900.

As amended by No. 6 of 1900, No. 7 of 1901, No. 4 of 1903, No. 1 of 1912, and No. 5 of 1913.

[16th January, 1900.]

Be it enacted by the Governor of the Colony of the Falkland Islands, with the advice and consent of the Legislative Council thereof, as follows:—

Import duties.

1. From and after the coming into operation of this Ordinance there shall be raised, levied, collected