

“*The Shipping Casualties Investigation Act, 1879.*”

AN ACT to provide for the Rehearing of Investigations into Shipping Casualties, and to amend the Rules as to the Mode of holding, and Procedure at, such Investigations.

[15th August, 1879.]

* * * * *

Rehearing of
and appeal
against inves-
tigation into
shipping casu-
alty or mis-
conduct of
officer.

2. (1.) Where an investigation into the conduct of a master, mate, or engineer, or into a shipping casualty, has been held under “*The Merchant Shipping Act, 1854,*” or any Act amending the same, or under any provision for holding such investigations in a British possession, the Board of Trade may, in any case, and shall, if new and important evidence which could not be produced at the investigation has been discovered, or if for any other reason there has in their opinion been ground for suspecting a miscarriage of justice, order that the case be reheard, either generally or as to any part thereof, and either by the Court or authority by whom it was heard in the first instance, or by the Wreck Commissioner, or in England or Ireland by a Judge of Her Majesty’s High Court of Justice exercising jurisdiction in Admiralty cases, or in Scotland by the Senior Lord Ordinary, or any other Judge in the Court of Session whom the Lord President of that Court may appoint for the purpose, and the case shall be so reheard accordingly.

(2.) Where, in any such investigation, a decision has been given with respect to the cancelling or suspension of the certificate of a master, mate, or engineer, and an application for a rehearing under this section has not been made or has been refused, an appeal shall lie from the decision to the following Courts, namely,—

- (a.) If the decision is given in England or by a Naval Court, the Probate, Divorce, and Admiralty Division of Her Majesty’s High Court of Justice :
- (b.) If the decision is given in Scotland, either division of the Court of Session :
- (c.) If the decision is given in Ireland, the High Court of Admiralty, or the Judge or division of Her Majesty’s High Court of Justice exercising jurisdiction in Admiralty cases.

(3.) Any rehearing or appeal under this section 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.*”

3. (1.) The list of persons approved as assessors for the purpose of formal investigations into shipping casualties shall be in force for three years only; but persons entered in any such list may be approved for any subsequent list. The list of those persons in force at the passing of this Act shall continue in force until the end of the year one thousand eight hundred and eighty; but nothing in this section shall affect the power of the Secretary of State to withdraw his approval of any name on any such list, or to approve of any additional name.

42 & 43 Vict.,
c. 72.

Rules as to
investigations
into shipping
casualties and
misconduct
of officers.

(2.) The assessor or assessors for each such investigation shall, instead of being appointed by the Commissioner, Justices, or other authority holding the investigation, be appointed in such manner and according to such regulations as may be from time to time prescribed by general rules made under section thirty of "The Merchant Shipping Act, 1876."

(3.) Where any such investigation involves or appears likely to involve any question as to the cancelling or suspension of the certificate of a master, mate, or engineer, it shall be held with the assistance of not less than two assessors having experience in the merchant service.

(4.) A master, mate, or engineer shall not be required to deliver his certificate under section four hundred and thirty-eight of "The Merchant Shipping Act, 1854," or section twenty-four of "The Merchant Shipping Act, 1862," unless the certificate is suspended or cancelled; and the words "or is to be" in the latter of those sections are hereby repealed.

(5.) Investigations into shipping casualties shall be held in some town hall, Assize or County Court, public building, or in some other suitable place to be determined according to general rules made for the purpose by the Lord High Chancellor of Great Britain, and, unless no other suitable place is in the opinion of the Board of Trade available, shall not be held in a Court ordinarily used as a Police Court.

4. Any general rule made in pursuance of this Act shall be laid before both Houses of Parliament within thirty days after it is made if Parliament be then sitting, or, if not, within thirty days after the commencement of the then next ensuing session.

Rules to be
laid before
Parliament.

*

*

*

*

*