



TURKS AND CAICOS ISLANDS

CHAPTER 60
WRECK AND SALVAGE ORDINANCE

Revised Edition
showing the law as at 15 May 1998

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Ordinance 1997.

This edition contains a consolidation of the following laws—

WRECK AND SALVAGE ORDINANCE

Ordinance 6 of 1889 .. in force 15 March 1890

Amended by Ordinance 4 of 1892

Amended by Ordinance 23 of 1968

Amended by Ordinance 9 of 1998 .. in force 15 May 1998

No Subsidiary Legislation has been made under this Ordinance

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CHAPTER 60

WRECK AND SALVAGE ORDINANCE

(Ordinances 6 of 1889, 4 of 1892, 23 of 1968 and 9 of 1998)

[15 March 1890] Commencement

1. This Ordinance may be cited as the Wreck and Salvage Ordinance. Short title

2. In this Ordinance— Interpretation

“Consular Officer” includes any Consul, Vice or Deputy Consul, and consular agent, and any person for the time being discharging the duties of Consul, Vice or Deputy Consul, or consular agent;

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

“property” comprises all cargo, apparel or material, belonging to any ship;

“Receiver” means any person appointed in pursuance of this Ordinance Receiver of Wreck for any district, or any properly appointed deputies;

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

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

Appointment and Duties of Receivers

3. The Governor shall throughout the Islands have the general superintendence of all matters relating to wreck, and may appoint any officer of customs, revenue officer, or other person, to be the Receiver of Wreck in any district, to perform such duties as are hereinafter mentioned, and from time to time alter the limits of the district for which any Receiver is so appointed as aforesaid, and may at any time cancel and annul, any such appointment and due notice of every such appointment shall be published in the *Gazette*. Appointment of Receivers

4. It shall be lawful for the Receiver of Wreck for the North Caicos District from time to time to appoint, by writing under his hand, subject to the approval of the Governor, some fit and Power of Receivers at North Caicos to appoint deputies

proper persons to act as his deputies on the several distant Cays and outlying settlements within his district, and at any time to cancel and annul any such appointment.

Power of Receiver to appoint deputies in special circumstances

5. It shall be lawful for any Receiver when he is physically unfit to proceed himself to the scene of any casualty within the district, to appoint a deputy specially to act for him there on that particular occasion.

Certain officers to exercise power of Receiver in his absence

6. When any casualty occurs to any ship or boat in any district, then during the absence of the Receiver from the place where such casualty occurs, 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 deputy appointed under section 4 or 5 of this Ordinance, any officer of customs, any Justice of the Peace, and any police officer, may do all matters and things by this Ordinance authorised to be done by the Receiver, with this exception, that with respect to any property belonging to any such ship or boat, the delivery up of which to the Receiver is required by this Ordinance, any officer so acting shall be considered the agent of the Receiver and shall place the same in the custody of the Receiver; and no person so acting as deputy or 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, but shall receive in addition thereto such reward as the Governor may determine, and such reward shall be recoverable by the Receiver from the owners of the aforesaid ship or boat in the same manner as the fees and expenses of the Receiver are recovered as hereinafter laid down.

Duties of Receiver where any ship is stranded or in distress

7. When any ship or boat is stranded or in distress at any place on or near the coasts of these islands, the Receiver of the district within which such place is situated, shall, upon being made acquainted, with such accident, forthwith proceed to such place, and upon arrival there he shall take command of all persons present, and assign such duties to each person and issue such directions as he may think fit, with a view to the preservation of such ship or boat and the lives of the persons belonging thereto, and the cargo and apparel thereof; and if any person wilfully disobeys such directions, he shall be liable to a penalty not exceeding \$1,000, together with forfeiture of all salvage earned or to be awarded; but it shall not be lawful for such Receiver to interfere in any matter relating to the management of such ship or boat unless he is requested to do so by the Master.

8. Whenever any such accident as aforesaid occurs to any ship or boat, and any person plunders, creates disorder, or obstructs the preservation of any such ship or boat, lives, or cargo as aforesaid, it shall be lawful for the Receiver to cause such person to be apprehended, and to use force for the suppression of any 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 the duties hereby committed to him, or any person acting under his orders, such Receiver or other person shall be free and fully indemnified as well against the Queen's Majesty, Her Heirs and Successors, as against all persons so killed, maimed or hurt.

Power of Receiver to suppress plunder and disorder by force

9. The Receiver, may with a view to such preservation as aforesaid of the ship or boat, persons, cargo and apparel—

Powers of the Receiver for preservation of persons or property

- (a) summon such number of men as he thinks necessary to assist him;
- (b) require the Master or other person having charge of any ship or boat near at hand, to give such aid with his men, ship or boats as may be in his power;
- (c) demand the use of any waggon, cart, horses or mules, that may be near at hand,

and any person refusing without reasonable cause to comply with any summons, requisition or demand, so made as aforesaid, shall for every such refusal incur a penalty not exceeding \$1,000.

10. All cargo and other articles belonging to such ship or boat as aforesaid that may be washed on shore or otherwise be lost or taken from such ship or boat, shall be delivered to the Receiver; and any person, whether he is the owner or not, who 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, shall incur a penalty not exceeding \$110; and it shall be lawful for such Receiver or other person as aforesaid to take such cargo or article by force from the person so refusing to deliver the same.

Articles washed ashore, lost or taken from ship to be delivered to Receiver

11. All property salvaged from any ship or boat wrecked, stranded or in distress, shall be brought as soon as possible to Grand Turk, unless otherwise sanctioned by the Governor, and delivered to the Receiver at that place, who shall cause all such property to be deposited in the Government Warehouse, except such as from any special circumstances may be directed by the Governor to be stored elsewhere, or may remain in the hull of the vessel at the time of sale.

Property salvaged, how to be dealt with

Rules to be
observed by
person finding
wreck

12. (1) The following rules shall be observed by any person finding or taking possession of wreck within the Islands—

- (a) if the person so finding or taking possession of the same is the owner, he shall, as soon as possible, give notice to the Receiver of the district within which such wreck is found, stating that he has so found or taken possession of the same, and he shall describe in such notice the marks by which such wreck is distinguished;
- (b) if any person, not being the owner, finds or takes possession of any wreck, he shall, as soon as possible, deliver the same to such Receiver as aforesaid.

(2) Any person making default in obeying the provisions of this section shall incur the following penalties—

- (a) if he is the owner and makes default in performing the several things, the performance of which is hereby imposed on an owner, he shall incur a penalty not exceeding \$1,000;
- (b) if he is not the owner and makes default in performing the several things, the performance of which is hereby imposed on any person not being an owner, he shall forfeit all claims to salvage; he shall pay to the owner of such wreck if the same is claimed, but if the same be 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 \$2,000.

(3) Any person giving such information as shall lead to the conviction of any person making default as aforesaid in obeying the provisions of this section, shall receive such reward, not exceeding the half of the penalty imposed, as the Court awarding the penalty may determine.

Power for
Receiver to seize
concealed wreck

13. 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 otherwise improperly dealt with, he may apply to any Justice of the Peace for a warrant, and such Justice shall have power to grant a warrant by virtue whereof it shall be lawful for the Receiver to enter into any house or other place wherever situated, and also into any ship or boat, and to search for and to seize and detain any such wreck as aforesaid there found.

14. Every Receiver shall, as soon as possible after taking possession of any wreck, cause to be posted up in the Custom House at Grand Turk a description of the same and of any marks by which it is distinguished, and shall also, if the value of such wreck exceeds \$1,000, transmit a similar description to the Governor for publication.

Notice of wreck
to be given by
Receiver

15. In cases where any wreck in the custody of any Receiver is under the value of \$250, 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 before the expiration of the period hereinafter mentioned, and the money raised by such sale, after defraying the expenses thereof, shall be paid to the Governor and shall be held for the same purposes and subject to the same claims for and to which the articles sold would have been held liable if they had remained unsold.

Goods deemed
perishable or of
small value may
be sold
immediately

16. There shall be paid to all Receivers appointed under this Ordinance, the expenses properly incurred by them in the performance of their duties, and also in respect of the several matters specified in Part I of 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 appointed under this Ordinance shall as such be entitled to any remuneration whatsoever.

Payment to be
made to
Receivers

17. Whenever any dispute arises in any part of these Islands 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.

Disputes as to
sums payable to
Receiver to be
determined by
Governor

18. All sums paid in respect of fees or expenses to any Receiver appointed under this Ordinance, in respect of any services performed by him as Receiver, shall be paid into the Public Treasury of the Islands, and a separate account thereof shall be kept, and the monies arising therefrom shall be applied in defraying any expenses duly incurred in carrying into effect the purposes of this Ordinance, in such manner as the Governor directs.

Application of
fees

Enquiry Into Causes of Wrecks

Power of Receiver to institute examination with respect to ships in distress

19. Any Receiver shall, as soon as conveniently may be, examine upon oath (which oath Receivers are hereby respectively empowered to administer) the Master and any person belonging to any ship which may be or may have been in distress on or near the coasts of the Islands, 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)—

- (a) the name and description of the ship;
- (b) the name of the Master and of the owners;
- (c) the names of the owners of the cargo;
- (d) the ports or places from or to which the ship was bound;
- (e) the occasion of the distress of the ship;
- (f) the services rendered;
- (g) such other matters or circumstances relating to the said ship, or to the cargo on board the same, as the Receiver thinks necessary,

and such Receiver shall take the examination down in writing, and shall make two copies of the same, one of which he shall send to the Governor and the other to the Receiver at Grand Turk, who shall keep the same in his office for the inspection of persons desirous of examining the same.

Original or certified copy of examination to be *prima facie* evidence

20. Any examination so taken in writing as aforesaid, or a copy thereof, purporting to be certified under the hand of the Receiver before whom such examination was taken, shall be admitted in evidence in any court of justice or before any person having, by law or by consent of parties, authority to hear, receive and examine evidence, as *prima facie* proof of all matters contained in such written examination.

Power of Governor to order formal investigation into causes of casualty

21. Whenever by reason of any casualty happening to any ship on or near the coasts of the Islands, loss of life ensues, or whenever for any other reason whatever it shall appear expedient to the Governor that a formal investigation should be held into the causes and circumstances attending such casualty, it shall be lawful for him to authorise the Magistrate or any Justice of the Peace to hold such investigation; and the Magistrate or any such Justice shall for that purpose, so far as relates to the summoning of parties, compelling the attendance of witnesses and the regulation of the proceedings, have the same powers as if the

same were a proceeding relating to an offence or cause of complaint upon which the Magistrate has power to make a summary conviction or order; and upon conclusion of the case, the Magistrate or Justice shall send to the Governor a report containing a full statement of the case and of his opinion thereon, accompanying such report with the evidence taken and such observations, if any, as he may think fit.

22. It shall be lawful for the Governor, if he thinks fit, to nominate some person of nautical skill and knowledge to act as assessor at such investigation, and such assessor shall, upon conclusion of the case, either signify his concurrence in the report by signing the same, or if he dissents therefrom, shall signify such dissent and his reasons therefor to the Governor.

Person of
nautical skill to
act as assessor

23. It shall be lawful for the Governor to allow the Magistrate or Justice holding such investigation and to the assessor sitting with him, reasonable remuneration for the services performed by them, not exceeding \$2.20 each *per diem* while so employed, and there shall also be paid to such Magistrate, Justice or assessor, such further sum as he shall show to the satisfaction of the Governor to be a reasonable charge for actual travelling expenses incurred by him; and there shall further be paid to each witness attending any investigation as aforesaid, who may be brought from any island other than that in which the investigation is held, such allowance as is usually made to witnesses summoned to attend the sittings of the Supreme Court.

Remuneration of
Justice and
assessors holding
such enquiry

Disposal of Wrecked Property

24. No property wrecked or cast away within the limits of these islands or brought into any port or place within such limits, as forming or having formed cargo or apparel, or part cargo or apparel, of any vessel wrecked or in distress on or near the coasts of the Islands, shall be sold or otherwise disposed of at any port or place within the Islands, except under the circumstances hereinafter set forth, that is to say—

Conditions under
which wrecked
property may be
disposed of

- (a) when the property is in a perishable state, and shall be so certified by three sworn surveyors, one of whom shall be a person appointed by the Governor, and the others shall be appointed, one by the Master and the other by the salvors, and if there are no salvors, then both such surveyors shall be appointed by the Master, and if there is no Master then both of such surveyors shall be named by the salvors; and each of such surveyors shall be en-

titled to receive a fee of \$50 *per diem* while so employed;

- (b) when the sale is ordered by the owners or underwriters of the aforesaid wrecked property, or by an attorney or agent (other than the Master) duly authorised or appointed by such owners or underwriters;

Provided, however, that nothing herein contained shall prevent the Master from acting as such attorney or agent for owners or underwriters when no other agent has been specially authorised and appointed by them in writing;

- (c) when the wrecked property is of small value and has been taken possession of by the Receiver as provided in section 15;
- (d) when the sale is ordered by a court of competent jurisdiction,

and no title or right of possession shall vest in or pass to any purchaser in respect of any property sold or disposed of in contravention of this Ordinance.

All sales of
wrecked
property to be by
public auction

25. No property ordered to be sold under the provisions of the last preceding section shall be disposed of except at public auction on a day to be fixed by the Receiver of Wreck on the application of the party or upon the monition of the court ordering the same to be sold.

Salvage

Salvage in
respect of
services rendered

26. In the following cases—

- (a) whenever any ship or boat is stranded or otherwise in distress on or near the coasts of the Islands, and services are rendered by any person—
- (i) in assisting such ship or boat;
 - (ii) in saving the lives of the persons belonging to such ship or boat;
 - (iii) in saving the cargo or apparel of such ship or boat or any portion thereof; and
- (b) whenever any wreck is saved by any person other than a Receiver within the Islands,

there shall be payable by the owners of such ship, 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 in the performance of such services or the saving of such wreck, the amount of such salvage and expenses (which expenses are hereinafter included under the term salvage) to be determined in case of dispute in manner hereinafter mentioned.

27. Where the value of the property saved from any wreck is insufficient, after payment of the actual expenses incurred, to pay the amount of salvage due in respect of any life or lives, the Governor may in his discretion award to the salvors of such life or lives such sum or sums out of the Treasury as he deems fit, in whole or part satisfaction of any amount of salvage so left unpaid in respect of such life or lives.

Salvage for life,
how payable

28. Whenever any salvage question arises the Governor may upon application from either of the parties, appoint one or more valuers to value the property in respect of which the salvage claim is made and shall, when the valuation has been returned to him, give a copy thereof to both parties; and any copy of such valuation, purporting to be signed by the valuer and to be attested by the Receiver, shall be received in evidence in any subsequent proceeding; and there shall be paid in respect of such valuation of the party applying for the same, such fee as the Governor may direct.

Appointment of
valuer

29. (1) Whenever any dispute arises within the Islands between the owners or underwriters of any such ship, boat, cargo, apparel or wreck as aforesaid, and the salvors as to the amount of the salvage, and the parties to the dispute cannot agree as to the settlement thereof, such disputed claims for salvage shall be referred to the Magistrate, who shall summon before him the parties to the dispute, and the Magistrate together with an associate Justice or Justices (such Justices not to exceed two), to be nominated by the Governor in his discretion, shall, after hearing such evidence as either party or both may adduce, determine the amount of salvage to be awarded, and where two Justices are associated with the Magistrate, the decision of the majority of the three so associated shall be the award; and such associate Justice or Justices shall each receive remuneration for his services at the rate of \$50 per day. And the Magistrate and associate Justice or Justices may call for the production of any documents in the possession or power of either party which they may think necessary for determining the question in dispute, and may examine the parties or their witnesses on their oath and administer the oaths necessary for that purpose, and in case of failure by any of the parties to produce such documents such party shall be liable to a penalty not exceeding the sum of \$1,000:

Disputed claims,
how settled

Provided however, that in a case where one associate Justice is appointed, and the Magistrate and the associate Justice fail to agree as to the amount of salvage, the case shall be referred to the Governor for him to decide as between them upon such amounts of salvage as may be in difference between them, but no such settlement of such differences of salvage by the Governor shall interfere with or preclude the parties, owners, insurers, or salvors from their right of appeal from the said award in accordance with the provisions of subsection (2) of this section.

(2) If any person is aggrieved by the award made by the Magistrate and associate Justice or Justices, he may appeal to the Supreme Court, but no such appeal shall be allowed unless the sum awarded exceeds \$4,000 nor unless the appellant within one month after the date of the award gives notice in writing to the Magistrate's Court of his intention to appeal, nor unless the appellant proceeds within ten days to file a petition of appeal in the office of the Registrar of the Supreme Court.

(3) Whenever a petition of appeal shall be filed, the case shall be set down for hearing with as little delay as possible, and in such manner as the Judge, upon motion made before him, shall order, either at a regular sitting of the Supreme Court or in Chambers.

(4) Whenever any appeal is made to the Supreme Court in manner hereinbefore provided, the Magistrate shall transmit to the Registrar of the Court a copy, certified under his hand to be a true copy, of the proceedings had before the Magistrate and associate Justice or Justices, and of the decision or award appealed from accompanied with the copy of valuation furnished under section 28, and such certificate and copy shall be admitted as evidence in the case.

Costs of
arbitration

30. Whenever any dispute with regard to salvage shall under the provisions of the last preceding section be referred for settlement to the Magistrate and associate Justice or Justices as aforesaid or to the Supreme Court all costs of hearing the case, together with all payments and expenses in connection therewith, shall be paid by the parties to the dispute in such manner and in such shares and proportions as the Magistrate and associate Justice or Justices or the said Court may direct by their award.

Parties to salvage
case may with
permission of
arbitrators be
assisted by
agents

31. Any party to a salvage case, salvors, owners or insurers, may apply in writing at any time before the hearing of the case to the Magistrate and associate Justice or Justices to be allowed the assistance of his agent or some other fit and proper person to aid him in the conduct of his case before the said Magistrate and associate Justice or Justices who may in their discretion allow

such party to procure the assistance of his agent or some other fit and proper person for the purpose aforesaid.

32. The Master of every vessel which shall be entitled to salvage remuneration for services rendered to any ship or boat stranded or otherwise in distress on or near the coasts of the Islands, either in assisting such ship or boat, or in saving the lives of the persons belonging to such ship or boat, or in saving the cargo or apparel of such ship or boat, shall within forty-eight hours after either his arrival at Grand Turk or the final performance of his salvage services, deliver to the Receiver at Grand Turk, or at any other port or place within the Islands, at which the Governor may have allowed the cargo to be landed, a statement in the Form in Part II of the Schedule showing the name of the vessel rendering the service, the names of the crew and the nature of the property in respect of which such services shall have been rendered by such vessel; and if the Master of any vessel shall neglect to send in such statement of his claim as herein provided, the right of such vessel and crew to salvage shall be forfeited; and the Master of each vessel claiming salvage as aforesaid, on rendering such statement of his claim to the Receiver, shall inform the Receiver whether he has agreed with the owners or underwriters of the aforesaid ship or boat, or with their agents, as to the amount of salvage to be paid; and when any salvor or salvors shall inform the Receiver that they have not so agreed with the owners or underwriters or their agents as to the amount of salvage, then it shall be the duty of the Receiver to acquaint such salvor or salvors of the proper manner of settling such disputed claim under section 29, and the Receiver shall render to the salvors all assistance in his power.

Salvage claims
to be handed to
Receiver of
Wreck

33. Whenever salvage is due to any person under this Ordinance the Receiver shall act as follows—

- (a) if the same is due in respect of services rendered to any ship or boat, or in saving the lives of persons belonging to the same, or the cargo or apparel thereof, he shall detain such ship or boat, and the cargo and apparel belonging thereto, until payment is made or process has been issued by some competent court for the detention or sale of such ship, boat, cargo, or apparel;
- (b) if the same is due in respect of saving any wreck, and such wreck is not sold as unclaimed in pursuance of provisions hereinafter contained he shall detain such wreck until payment is made or process has been issued in the manner aforesaid.

Enforcement of
payment of
salvage

Nevertheless, it shall be lawful for the Receiver, if at any time previously to the issue of such process security is given to his satisfaction for the amount of salvage due, to release from his custody any ship, boat, cargo, apparel or wreck so detained by him as aforesaid, and in cases where the claim for salvage exceeds \$440, it shall be lawful for the Judge to determine the amount of security to be given or the sufficiency of the sureties, and in all cases where bond or other security is given to the Receiver for an amount exceeding \$440, it shall be lawful for the salvor or for the owner of the property salvaged, or their respective agents, to institute proceedings in the Supreme Court for the purpose of having the questions arising between them adjudicated upon, and the said Court may enforce payment of the said bond or other security in the same manner as if bail had been given in the said Court.

Power of
Receiver to sell
property salvaged
in cases of non-
payment

34. Whenever any ship, boat, cargo, apparel, or wreck is detained by any Receiver for non-payment of any sums so due as aforesaid, and the parties liable to pay the same are aware of such detention, then in the following cases—

- (a) where the amount is not disputed, and payment thereof is not made within thirty days after the same has become due;
- (b) where the amount is disputed and no appeal lies from the first tribunal to which the dispute is referred, and payment thereof is not made within thirty days after the decision of such first tribunal;
- (c) where the amount is disputed, and an appeal lies from the decision of the first tribunal to the Supreme Court, and payment thereof is not made within such thirty days as last aforesaid, or notice of appeal is not given within one month as required by section 29 and a petition of appeal filed in the office of the Registrar of the Supreme Court within ten days,

the Receiver may forthwith make application to the Supreme Court for an order, to sell such ship, boat, cargo, apparel or wreck or a sufficient part thereof, and the said Court shall on cause shown as aforesaid grant such order, and the Receiver shall, on receipt of the said order, forthwith sell such ship, boat, cargo, apparel or wreck, and out of the proceeds of the sale, after payment of all expenses thereof, defray all sums of money due in respect of expenses, fees and salvage, paying the surplus, if any, to the owners of the property sold, or other parties entitled to receive the same.

35. Subject to the payment of such 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.

Subject to what charges and when owner entitled to wreck

36. Upon delivery of wreck or the proceeds of wreck by any Receiver to any person in pursuance of the provisions of this Ordinance, such Receiver shall be discharged from all liability in respect thereof; but such delivery shall not be deemed to prejudice or affect any question concerning the right or title to the said wreck which may be raised by third parties.

Effect of delivery of wreck by Receiver

37. Within twenty-one days after the rate and amount of any salvage shall have been settled, the Receiver shall cause to be exhibited at the Customs House a statement showing the amount of such salvage, with the particulars and in the Form given in Part II of the Schedule and setting forth the day when the salvage will be distributed, which shall be not later than thirty days after the date on which the amount was settled as aforesaid. All moneys due for salvage and fees shall be paid by the agents of any vessel to the Receiver, who shall distribute the same amongst the owners and agents of salving boats, unless specially directed in writing by individual salvors to do otherwise with their respective shares.

Amounts due for storage and fees to be paid to Receiver and distributed by him

Unclaimed Wreck

38. If no owner establishes his claim to wreck found at any place within the Islands, the Receiver may apply to the Supreme Court for an order to sell the whole or such portion thereof as may be necessary to defray all charges for salvage, fees or other expenses, and on obtaining such order, shall forthwith sell the same and, after paying all salvage, fees and expenses, shall lodge the balance, if any, in the Treasury:

Duty of Receiver in case of unclaimed wreck

Provided that if before the expiration of a year from the date at which any such wreck has come into the possession of the Receiver, any owner shall establish his claim thereto, he shall be entitled to receive such balance, if any, together with any portion of the wrecked property not sold, on payment of the warehouse dues or other lawful charges; and if such wreck shall not be claimed within one year as aforesaid, then the residue shall be sold, and the proceeds, after deducting fees and expenses, shall, together with the unclaimed balance, if any, be carried to and form part of the general revenue of the Islands.

Miscellaneous

As to foreign
wreck

39. Whenever any articles belonging to or forming part of any foreign ship which has been wrecked on or near the coasts of the Islands, or belonging to or forming part of the cargo of any such ship, are found on or near such coasts, or are brought into any port in the Islands, the consular officer of the country to which such ship or, in the case of cargo, to which the owners of such cargo may have belonged, shall, in the absence of the owner of such ship or articles, and of the Master or other agent of the owners, be deemed the agent of the owner, so far as relates to the custody and disposal of such articles.

Remuneration of
Customs
Officers in case
of wreck

40. In cases where services are rendered by officers of the Customs in watching or protecting shipwreck property, then, unless it can be shown that such services have been declined by the owner of the property or his agent at the time they were tendered, or that salvage has been claimed and awarded for such services, the owner of the wrecked property shall in respect of such services pay remuneration according to a scale to be fixed by the Governor, so, however, that such scale shall not exceed any scale by which payment to officers of Customs for extra duty in the ordinary service of the Customs is for the time being regulated; and such remuneration shall be recoverable by the same means and shall be paid to the same persons and accounted for and applied in the same manner as fees received by Receivers appointed under this Ordinance.

Wrecked
property may be
warehoused and
re-exported

41. The Governor may permit all goods, wares and merchandise, saved from any ship stranded or wrecked within the Islands, to be warehoused and forwarded to the original port of destination or returned to the port at which the same were shipped:

Provided that the owners or agents for such wrecked property shall furnish security for the due protection of the Revenue in respect of such goods, wares and merchandise, and for the payment of warehouse dues.

Power to make
rules and
regulations

42. The Governor may make rules and regulations for the guidance of Receivers and Salvors, and for regulating the proceedings in cases of wreck and other maritime casualties.
(*Substituted by Ord. 9 of 1998*)

*Offences in Respect of Wreck***43.** Every person who—

- (a) 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 coasts of the Islands, or any part of the cargo thereof or any wreck; or
- (b) endeavours in any way to impede or hinder the saving of such ship, boat, cargo, apparel or wreck; or
- (c) secretes any wreck, or obliterates or defaces any marks thereon,

Penalty for plundering, obstructing the saving or secreting of any wrecked property

shall in addition to any other penalty or punishment he may be subject to under this or any other Ordinance for each such offence incur a penalty not exceeding \$1,000; and every person not being a Receiver, or a person hereinbefore authorised to take command in cases of ships being stranded or in distress, or not acting under the orders of such Receiver or persons, who without leave of the master endeavours to board any ship or boat as aforesaid, shall for each offence incur a penalty not exceeding \$1,000; and it shall be lawful for the master of such ship or boat to repel by force any person so attempting to board the same.

44. If any person takes into any foreign port or place any ship or boat stranded, derelict, or otherwise in distress on or near the coasts of the Islands, or any part of the cargo or apparel of any such ship or boat, or anything belonging thereto, or any wreck found within such limits as aforesaid, and there sells the same, he shall be guilty of an arrestable offence and be liable on conviction to imprisonment for four years.

Penalty for selling wreck in foreign port

45. It shall not be lawful for any person employed in saving property from a wrecked vessel, to break, open, cut, chop or otherwise purposely injure any package or the cargo or lading of such wreck with intent to ascertain the contents thereof, but every part of the lading of such wrecked vessel and of all other property on board of or belonging to such wreck shall be saved, if practicable, in the state and in the order which the same may be found or may come to hand; nor shall it be lawful for the cables and anchors attached to any such vessel to be removed therefrom, or the lower masts and standing rigging, or the tackles, blocks and other portions of the gear necessary to facilitate the removal and preservation of the cargo, to be cut away or removed until such cargo shall have been saved, except by consent of the Master or

Offences by salvors and others in respect of cargo and apparel of wreck

of his agent, or by order of the Receiver, and then only when the vessel shall have been declared by either of the aforementioned persons to be a total wreck, nor shall any hull be left without being secured by one large anchor with at least fifteen fathoms of chain attached.

Disabilities of persons convicted of theft at a wreck

46. Any person convicted before the Supreme Court of theft from a wreck shall, in addition to any term of imprisonment, be prohibited from receiving salvage or working at any wreck for such period, of not less than two years or more than seven years from the date of his release from prison, as the Court may order on the committal of the offender.

Penalty for breach of provisions of this Ordinance

47. Any person infringing any of the provisions of this Ordinance shall on conviction, where no other penalty is for such offence by the said Ordinance specially provided, be liable to a penalty of \$1,000, together with forfeiture of all salvage earned or to be awarded, or may be imprisoned for six months.

Enforcement of penalties

48. All penalties under this Ordinance or under rules made under this Ordinance may be tried and determined summarily, when the penalty shall not exceed \$1,000; and all penalties above \$1,000 shall be recovered before the Supreme Court; and in all cases of conviction under this Ordinance where a penalty is inflicted, the same may be levied upon the goods and chattels of the offender, and in default thereof the offender may be imprisoned for any period not exceeding six months, unless such penalty and costs be sooner paid.

Penalties to be paid into general revenue

49. All penalties when recovered shall be paid into the Treasury in aid of the general revenue of the Islands.

SCHEDULE

PART I

(Section 16)

FEEs AND REMUNERATION OF RECEIVERS

	\$
For every examination on oath instituted by a Receiver (under section 19) with respect to any ship or boat which may be, or may have been in distress, a fee not exceeding	20.00
But so that in no case shall a larger fee than \$4.40 be charged for examinations taken in respect of the same ship and the same occurrence, whatever may be the number of deponents.	
For every report sent in by the Receiver to the Governor (under section 19)	10.00
For wreck taken by the Receiver into his custody, a percentage of five <i>per cent</i> , upon the value thereof, such percentage to cover all work done by the Receiver with respect to the wreck or salvage except the taking of the examination as above.	
But so that in no case shall the whole amount of percentage so payable exceed \$44.	
Where wreck is not taken into custody by the Receiver, then the following specific fees shall be chargeable instead of the percentage—	
For taking charge of a wreck and directing salvage services, not exceeding for first day	40.00
And for each subsequent day	20.00
For receiving and checking wrecked property brought ashore, Receiver to be paid according to scale of remuneration for Revenue Officers similarly employed.	
For making out return of wreck claims under section 32, and receiving and paying salvage under section 37, a fee of	20.00
For attending sale of wrecked property and keeping sale book, not exceeding for first day	20.00
And for each subsequent day	10.00

In cases where any services are rendered by a Receiver in respect of any ship or boat in distress, not being wreck, or in respect of the cargo or other articles belonging thereto, the following fees instead of a percentage: that is to say, if such ship or boat with her cargo equals or exceeds in value \$1320, the sum of \$40 for the first and the sum of \$20 for every subsequent day during which the Receiver is employed on such service, but if such ship or boat with her cargo is less in value than \$1320, one moiety of the above-mentioned sum.

PART II

FORM A

(Section 32)

SALVAGE CLAIM

against ship.....of.....
.....Master

Name of Salving Vessel	Names of Master and Crew	Description of Property salvaged
Sloop A.	A.B. Master C.D. Mate E.F. } G.H. } Seamen	(Provisions) (Dyewoods) (Ship's Materials)

(Sgd.)

A.B.
Master.
Sloop A.

FORM B

(Section 37)

Amount and Distribution of Salvage of Ship.....
 of
 Master.

Salvage Awarded

On Cargo \$ } (or *per centum* as the case
 On Material \$ } may be)
 Total amount of }
 Salvage }\$

DISTRIBUTION

Name of Master	No. of Crew, including Master	Total Salvage for each Vessel	Proportion		Value of single share
			Vessel	Crew	

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