ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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C A P. LXXXVIII.

An Act for the Encouragement of *British* Shipping and Navigation. [4th *August* 1845.]

WHEREAS an Act was passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of King *William* the Fourth, intituled *An Act for the Encouragement of* British *Shipping and Navigation*, whereby the Laws for the Encouragement of *British* Shipping and Navigation were consolidated: And whereas since the passing of the said Act divers Parts of Acts for the further Amendment of the Law in that respect have been found necessary, and it will be of Advantage to the Trade and Commerce of the Country that the said Act and Parts of Acts should be consolidated into One Act: Be it therefore 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, That from and after the passing of this Act the same shall come into and be and continue in full Force for the Purposes therein mentioned, except where any other Commencement is herein particularly directed.

3 & 4 W. 4. c. 54.

Commencement of Act.

II. And be it enacted, That the several Sorts of Goods hereinafter enumerated, being the Produce of *Europe*, (that is to say,) Masts, Timber, Boards, Tar, Tallow, Hemp, Flax, Currants, Raisins,

Ships in which only enumerated Goods of

Figs,

Europe may be imported.

Figs, Prunes, Olive Oil, Corn or Grain, Wine, Brandy, Tobacco, Wool, Shumac, Madders, Madder Roots, Barilla, Brimstone, Bark of Oak, Cork, Oranges, Lemons, Linseed, Rapeseed and Clover-seed, shall not be imported into the United Kingdom to be used therein, except in *British* Ships, or in Ships of the Country of which the Goods are the Produce, or in Ships of the Country from which the Goods are imported.

Places from which only Goods of Asia, Africa, or America may be imported.

III. And be it enacted, That Goods the Produce of *Asia*, *Africa*, or *America* shall not be imported from *Europe* into the United Kingdom to be used therein, except the Goods herein-after mentioned; (that is to say,)

Goods the Produce of the Dominions of the Emperor of *Morocco*, which may be imported from Places in *Europe* within the *Straits of Gibraltar*:

Goods the Produce of *Asia* or *Africa* which (having been brought into Places in *Europe* within the *Straits of Gibraltar* from or through Places in *Asia* or *Africa* within those Straits, and not by way of the *Atlantic Ocean*,) may be imported from Places in *Europe* within the *Straits of Gibraltar*:

Goods the Produce of Places within the Limits of the *East India* Company's Charter, which (having been imported from those Places into *Gibraltar* or *Malta* in *British* Ships) may be imported from *Gibraltar* or *Malta*:

Goods taken by way of Reprisal by *British* Ships:

Bullion, Diamonds, Pearls, Rubies, Emeralds, and other Jewels or precious Stones.

Ships in which only Goods of Asia, Africa, or America may be imported.

IV. And be it enacted, That Goods the Produce of *Asia*, *Africa*, or *America* shall not be imported into the United Kingdom to be used therein, in Foreign Ships, unless they be the Ships of the Country in *Asia*, *Africa*, or *America* of which the Goods are the Produce, and from which they are imported, except the Goods herein-after mentioned; (that is to say,)

Goods the Produce of the Dominions of the Grand Seignior in *Asia* or *Africa*, which may be imported from his Dominions in *Europe* in Ships of his Dominions:

Raw Silk and Mohair Yarn, the Produce of *Asia*, which may be imported from the Dominions of the Grand Seignior in the *Levant* Seas, in Ships of his Dominions:

Bullion:

Proviso.

Provided always, that in case any Treaty shall be made with any Country having a Port or Ports within the *Straits of Gibraltar*, stipulating that such Productions of *Asia* or *Africa* as may by Law be imported into the United Kingdom from Places in *Europe* within the *Straits of Gibraltar* in *British* Ships shall also be imported from the Ports of such Country in the Ships of such Country, then and in every such Case it shall be lawful to import such Goods from the Ports of such Country in the Ships of such Country.

Manufacture deemed Produce.

V. Provided always, and be it enacted, That all manufactured Goods shall be deemed to be the Produce of the Country of which they are the Manufacture.

VI. And

From Guernsey, &c.

VI. And be it enacted, That no Goods shall be imported into the United Kingdom from the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, except in *British* Ships.

Exports to Asia, &c., and to Guernsey, &c.

VII. And be it enacted, That no Goods shall be exported from the United Kingdom to any *British* Possession in *Asia*, *Africa*, or *America*, nor to the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, except in *British* Ships.

Coastwise.

VIII. And be it enacted, That no Goods or Passengers shall be carried Coastwise from one Part of the United Kingdom to another, or from the United Kingdom to the *Isle of Man*, or from the *Isle of Man* to the United Kingdom, except in *British* Ships.

Between Guernsey, Jersey, &c.

IX. And be it enacted, That no Goods shall be carried from any of the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man* to any other of such Islands, nor from one Part of any of such Islands to another Part of the same Island, except in *British* Ships.

Between British Possessions in Asia, &c.

X. And be it enacted, That no Goods shall be carried from any *British* Possession in *Asia*, *Africa*, or *America* to any other of such Possessions, nor from one Part of any of such Possessions to another Part of the same, except in *British* Ships.

Imports into British Possessions in Asia, &c.

XI. And be it enacted, That no Goods shall be imported into any *British* Possession in *Asia*, *Africa*, or *America* in any Foreign Ships, unless they be Ships of the Country of which the Goods are the Produce, and from which the Goods are imported.

Her Majesty may, by Order in Council, declare that Foreign Goods may be imported into Hong Kong in any Vessels.

XII. And be it enacted, That it shall be lawful for Her Majesty from Time to Time, by any Order in Council, to declare that Goods the Growth, Produce, or Manufacture of any Foreign Country may be imported into the Island of *Hong Kong* from the same or any other Foreign Country, in Vessels belonging to the same or any other Foreign Country, and however navigated, subject nevertheless to such Limitations and Restrictions as shall be contained in any such Order in Council; and from and after the Publication of any such Order in Council such Goods may lawfully be so imported into the said Island of *Hong Kong* according to the Provisions of such Order, and until the Revocation thereof; and any such Order in Council may from Time to Time be altered or revoked by Her Majesty by any subsequent Order in Council.

No Ship British unless registered and navigated as such.

XIII. And be it enacted, That no Ship shall be admitted to be a *British* Ship unless duly registered and navigated as such, and that every *British* registered Ship (so long as the Registry of such Ship shall be in force, or the Certificate of such Registry retained for the Use of such Ship,) shall be navigated during the whole of every Voyage (whether with a Cargo or in Ballast), in every Part of the World, by a Master who is a *British* Subject, and by a Crew whereof Three Fourths at least are *British* Seamen; and if such Ship be employed in a Coasting Voyage from one Part of the United Kingdom

Kingdom to another, or in a Voyage between the United Kingdom and the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, or from one of the said Islands to another of them, or from one Part of either of them to another of the same, or be employed in fishing on the Coasts of the United Kingdom or of any of the said Islands, then the whole of the Crew shall be *British* Seamen.

But Vessels under Fifteen Tons Burden admitted in Navigation upon Rivers, &c., although not registered.

Vessels under Thirty Tons for Newfoundland Fishery, &c., need not be registered.

XIV. Provided always, and be it enacted, That all *British*-built Boats or Vessels under Fifteen Tons Burden, wholly owned and navigated by *British* Subjects, although not registered as *British* Ships, shall be admitted to be *British* Vessels in all Navigation in the Rivers and upon the Coasts of the United Kingdom, or of the *British* Possessions abroad, and not proceeding over Sea, except within the Limits of the respective Colonial Governments within which the managing Owners of such Vessels respectively reside; and that all *British*-built Boats or Vessels wholly owned and navigated by *British* Subjects, not exceeding the Burden of Thirty Tons, and not having a whole or a fixed Deck, and being employed solely in fishing on the Banks and Shores of *Newfoundland* and of the Parts adjacent, or on the Banks and Shores of the Provinces of *Canada*, *Nova Scotia*, or *New Brunswick*, adjacent to the *Gulf of Saint Lawrence*, or on the North of *Cape Canso*, or of the Islands within the same, or in trading Coastwise within the said Limits, shall be admitted to be *British* Boats or Vessels, although not registered, so long as such Boats or Vessels shall be solely so employed.

Honduras Ships to be as British in Trade with United Kingdom and Colonies in America.

XV. Provided also, and be it enacted, That all Ships built in the *British* Settlements at *Honduras*, and owned and navigated as *British* Ships, shall be entitled to the Privileges of *British* registered Ships in all direct Trade between the United Kingdom or the *British* Possessions in *America* and the said Settlements, provided the Master shall produce a Certificate under the Hand of the Superintendent of those Settlements that satisfactory Proof has been made before him that such Ship (describing the same) was built in the said Settlements, and is wholly owned by *British* Subjects: Provided also, that the Time of the Clearance of such Ship from the said Settlements for every Voyage shall be endorsed upon such Certificate by such Superintendent.

Ship of any Foreign Country to be of the Build of or Prize to such Country, or British-built, and owned and navigated by Subjects of the Country.

XVI. And be it enacted, That no Ship shall be admitted to be a Ship of any particular Country, unless she be of the Build of such Country, or have been made Prize of War to such Country, or have been forfeited to such Country under any Law of the same made for the Prevention of the Slave Trade, and condemned as such Prize or Forfeiture by a competent Court of such Country, or be *British*-built (not having been a Prize of War from *British* Subjects to any other Foreign Country), nor unless she be navigated by a Master who is a Subject of such Foreign Country, and by a Crew of whom Three Fourths at least are Subjects of such Country, nor unless she be wholly owned by Subjects of such Country usually residing therein, or under the Dominion thereof: Provided always, that the

Country of every Ship shall be deemed to include all Places which are under the same Dominion as the Place to which such Ship belongs.

Master and Seamen not British, unless natural born or naturalized, or Denizens, or Subjects by Conquest or Cession, or having served in Her Majesty's Ships of War.

XVII. And be it enacted, That no Person shall be qualified to be a Master of a *British* Ship or to be a *British* Seaman within the Meaning of this Act, except the natural-born Subjects of Her Majesty, or Persons naturalized by any Act of Parliament, or made Denizens by Letters of Denization, or except Persons who have become *British* Subjects by virtue of Conquest or Cession of some newly acquired Country, and who shall have taken the Oath of Allegiance to Her Majesty, or the Oath of Fidelity required by the Treaty or Capitulation by which such newly acquired Country came into Her Majesty's Possession, or Persons who shall have served on board any of Her Majesty's Ships of War in Time of War for the Space of Three Years: Provided always, that the Natives of Places within the Limits of the *East India* Company's Charter, although under *British* Dominion, shall not, upon the ground of being such Natives, be deemed to be *British* Seamen: Provided always, that every Ship (except Ships required to be wholly navigated by *British* Seamen) which shall be navigated by One *British* Seaman if a *British* Ship, or One Seaman of the Country of such Ship if a Foreign Ship, for every Twenty Tons of the Burden of such Ship, shall be deemed to be duly navigated, although the Number of other Seamen shall exceed One Fourth of the whole Crew: Provided also, that nothing herein contained shall extend to repeal or alter the Provisions of an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, for consolidating and amending the Laws then in force with respect to Trade from and to Places within the Limits of the *East India* Company's Charter, nor the Provisions of an Act passed in the Session of Parliament holden in the Third and Fourth Years of Her present Majesty, intituled *An Act further to regulate the Trade of Ships built and trading within the Limits of the* East India *Company's Charter.*

Natives of India not to be British Seamen.

One British Seaman to Twenty Tons sufficient to constitute a proper Crew.

4 G. 4. c. 80. s. 21.

3 & 4 Vict. c. 56.

Foreigners having served Two Years on board H.M.S. during War.

XVIII. Provided always, and be it enacted, That it shall be lawful for Her Majesty, by Her Royal Proclamation during War, to declare that Foreigners having served Two Years on board any of Her Majesty's Ships of War in Time of such War shall be *British* Seamen within the Meaning of this Act.

British Ship not to depart British Port unless duly navigated, &c.

XIX. And be it enacted, That no *British* registered Ship shall be suffered to depart any Port in the United Kingdom, or any *British* Possessions in any Part of the World, (whether with a Cargo or in Ballast,) unless duly navigated: Provided always, that any *British* Ships trading between Places in *America* may be navigated by *British* Negroes, and that Ships trading Eastward of the *Cape of Good Hope*, within the Limits of the *East India* Company's Charter, may be navigated by Lascars, or other Natives of Countries within those Limits.

Penalty for Excess of Foreign Seamen.

XX. And be it enacted, That if any *British* registered Ship shall at any Time have as Part of the Crew in any Part of the World

World any Foreign Seamen not allowed by Law, the Master or Owners of such Ship shall for every such Foreign Seaman forfeit the Sum of Ten Pounds: Provided always, that if a due Proportion of *British* Seamen cannot be procured in any Foreign Port, or in any Place within the Limits of the *East India* Company's Charter, for the Navigation of any *British* Ship, or if such Proportion be destroyed during the Voyage by any unavoidable Circumstance, and the Master of such Ship shall produce a Certificate of such Facts under the Hand of any *British* Consul, or of Two known *British* Merchants if there be no Consul at the Place where such Facts can be ascertained, or from the *British* Governor of any Place within the Limits of the *East India* Company's Charter, or in the Want of such Certificate shall make Proof of the Truth of such Facts to the Satisfaction of the Collector and Comptroller of the Customs of any *British* Port, or of any Person authorized in any other Part of the World to inquire into the Navigation of such Ship, the same shall be deemed to be duly navigated.

Proportion of Seamen may be altered by Proclamation.

XXI. And be it enacted, That if Her Majesty shall at any Time by Her Royal Proclamation declare that the Proportion of *British* Seamen necessary to the due Navigation of *British* Ships shall be less than the Proportion required by this Act, every *British* Ship navigated with the Proportion of *British* Seamen required by such Proclamation shall be deemed to be duly navigated, so long as such Proclamation shall remain in force.

Goods prohibited only by Navigation Law may be imported for Exportation.

XXII. Provided always, and be it enacted, That Goods of any Sort, or the Produce of any Place, not otherwise prohibited than by the Law of Navigation herein-before contained, may be imported into the United Kingdom from any Place in a *British* Ship, and from any Place, not being a *British* Possession, in a Foreign Ship of any Country, and however navigated, to be warehoused for Exportation only, under the Provisions of any Law in force for the Time being made for the warehousing of Goods without Payment of Duty upon the first Entry thereof.

Her Majesty may, by Order in Council, appoint Ports in the British Possessions abroad, wherein any Goods imported in any Vessel may be warehoused.

XXIII. And be it enacted, That it shall be lawful for Her Majesty from Time to Time, by any Order in Council, to declare that Goods of any Sort, or the Produce of any Place, not otherwise prohibited than by the Law of Navigation herein-before contained, may be imported into any Port or Ports of the *British* Possessions abroad, to be named in such Order, from any Place, in a *British* Ship, and from any Place not being a Part of the *British* Dominions in a Foreign Ship of any Country, and however navigated, to be warehoused for Exportation only, under the Provisions of any Law in force for the Time being, made for the warehousing of Goods without Payment of Duty upon the first Entry thereof; and from and after the Date of any such Order it shall be lawful so to import, for the Purpose of being warehoused for Exportation only, any such Goods into the Port or Ports named therein, according to the Provisions of the said Order, and until the Revocation thereof; and any such Order in Council may from Time to Time

be altered or revoked by Her Majesty by any subsequent Order in Council.

Forfeitures, how incurred.

XXIV. And be it enacted, That if any Goods be imported, exported, or carried Coastwise, contrary to the Law of Navigation, all such Goods shall be forfeited, and the Master of the Ship in which the same are so imported, exported, or carried Coastwise shall forfeit the Sum of One hundred Pounds.

Recovery of Forfeitures.

XXV. And be it enacted, That all Penalties and Forfeitures incurred under this Act shall be sued for, prosecuted, recovered, and disposed of, or shall be mitigated or restored, in like Manner as any Penalty or Forfeiture can be sued for, prosecuted, recovered, and disposed of, or may be mitigated or restored under an Act passed in the present Session of Parliament for the Prevention of Smuggling.

Alteration of Act.

XXVI. And be it enacted, That this Act may be amended or repealed by any Act or Acts to be passed in this present Session of Parliament.

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