ANNO TERTIO & QUARTO

GULIELMI IV. REGIS.

****

C A P. LIV.

An Act for the Encouragement of *British* Shipping and Navigation. [28th *August* 1833.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King *George* 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 amended: And whereas since the passing of the said Act divers Acts for the further Amendment of the Law have been found necessary, and it will be of advantage to the Trade and Commerce of the Country that the said Acts should be consolidated into one Act; be it therefore enacted by the King'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 this Act shall commence upon the First Day of *September* One thousand eight hundred and thirty-three, except where any other Commencement is herein particularly directed.

6 G. 4. c. 109.

Commencement of Act.

II. And be it further enacted, That the several Sorts of Goods herein-after enumerated, being the Produce of *Europe*; (that is to say,) Masts, Timber, Boards, Tar, Tallow, Hemp, Flax, Currants, Raisins, Figs, Prunes, Olive Oil, Corn or Grain, Wine, Brandy, Tobacco, Wool, Shumac, Madders, Madder Roots, Barilla, Brimstone, Bark of Oak, Cork, Oranges, Lemons, Linseed, Rape Seed, and

Ships in which only enumerated Goods of Europe may be imported.

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 further 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 further 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 Seignor, 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 Seignor in the *Levant* Seas, in Ships of his Dominions:

Bullion.

Manufacture deemed Produce.

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

From Guernsey, &c.

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

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

VII. And be it further 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*, *Sark*, or *Man*, except in *British* Ships.

VIII. And

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

IX. And be it further 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 Guernsey, Jersey, &c.

X. And be it further 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. Between British Possessions in Asia, &c.

XI. And be it further 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. Imports into British Possessions in Asia, &c.

XII. And be it further 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 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. No Ship British, unless registered, and navigated as such.

XIII. Provided always, and be it further enacted, That all *British*-built Boats or Vessels under Fifteen Tons Burthen, 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 Burthen 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. But Vessels under Fifteen Tons Burthen admitted in Navigation upon Rivers, &c. although not registered. Vessels under 30 Tons for Newfoundland Fishery, &c. need not be registered.

XIV. Pro-

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

XIV. Provided also, and be it further 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 Built of, or Prize to such Country; or British-built, and owned and navigated by Subjects of the Country.

XV. And be it further enacted, That no Ship shall be admitted to be a Ship of any particular Country, unless she be of the Built 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 H.M. Ships of War.

Natives of India not to be British Seamen.

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

XVI. And be it further 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 His 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 His Majesty, or the Oath of Fidelity required by the Treaty or Capitulation by which such newly acquired Country came into His Majesty's Possessions; or Persons who shall have served on board any of His 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 Burthen 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 always, 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.

XVII. Pro-

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

XVII. Provided always, and be it further enacted, That it shall be lawful for His Majesty, by His Royal Proclamation during War, to declare that Foreigners, having served Two Years on board any of His 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.

XVIII. And be it further enacted, That no *British* registered Ship shall be suffered to depart any Port in the United Kingdom, or any *British* Possession 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.

If Excess of Foreign Seamen, Penalty 10*l.* for each; except British Seamen cannot be procured in Foreign Ports, or in India; or Proportion destroyed unavoidably; and Certificate produced or Proof made.

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

XX. And be it further enacted, That if His Majesty shall, at any Time by His 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.

XXI. Provided always, and be it further 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.

XXII. And

Forfeitures how incurred.

XXII. And be it further 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 such Ship shall forfeit the Sum of One hundred Pounds.

Recovery of Forfeitures.

XXIII. And be it further 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.

Act may be altered this Session.

XXIV. And be it further enacted, That this Act may be altered, varied, or repealed by any Act or Acts to be passed in this present Session of Parliament.

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