

Whitehall, September 29, 1876.

The Lord Chancellor has appointed Henry Cadogan Rothery, Esq., to be a Wreck Commissioner for the United Kingdom, in pursuance of the provisions of "The Merchant Shipping Act, 1876."

THE MERCHANT SHIPPING ACT, 1876.

GENERAL RULES FOR COURTS OF SURVEY IN THE UNITED KINGDOM, 1876.

WHEREAS, by the Merchant Shipping Act, 1876, it is provided that the owner or master of a ship, that has been provisionally detained, may appeal to the Court of Survey for the port or district where the ship is detained :

And whereas it is further provided that every Court of Survey shall consist of a Judge sitting with two Assessors ; and that the Judge of the Court shall be summoned from a list of persons from time to time approved for the port or district by one of Her Majesty's Principal Secretaries of State :

And whereas it is provided that the Lord Chancellor of Great Britain, may from time to time (with the consent of the Treasury so far as relates to fees) make general rules to carry into effect the provisions of the said Act with respect to Courts of Survey :

Now, therefore, I, the Right Honourable Hugh MacCalmont, Baron Cairns, Lord High Chancellor of Great Britain, with the consent so far as may be necessary of one of Her Majesty's Principal Secretaries of State, and of the Treasury so far as relates to fees, do order as follows :

Short Title.

1. These Rules may be cited as "The Rules of the Court of Survey, 1876."

Commencement.

2. These Rules shall come into operation on the 1st day of October, 1876.

Interpretation.

3. In the construction of these Rules, words importing the singular number shall include the plural, and words importing the plural number shall include the singular number.

Courts of Survey, their Districts and Officers.

4. The Courts of Survey, with the districts assigned to each, and the persons authorized to act as Judges and Registrars thereof, and which have been approved by one of Her Majesty's Principal Secretaries of State, as set forth in Appendix A, shall be the Courts of Survey, and the Districts, Judges, and Registrars of such Courts, for the purposes of the Merchant Shipping Acts, 1854 to 1876.

Publication of Rules.

5. These Rules shall be published by Her Majesty's Stationery Office through its agents, and a copy shall be kept at the office of the Registrar of every Court of Survey and at every Custom-house and Mercantile Marine Office in the United Kingdom, and may be perused thereat by the

master or owner of any ship which may be provisionally detained under the Merchant Shipping Act, 1876, and by any one deputed by him.

Publication of the Name of Registrar and of his Office.

6. A notice shall be put up in some conspicuous place in every Custom-house and Mercantile Marine Office in the United Kingdom, containing the name of the Registrar of the Court of Survey for that district, and the name of the street or place in which such Registrars's office is situated.

Notice of Appeal.

7. Where the owner or master of a ship, hereinafter called the Appellant, desires to appeal to a Court of Survey, he shall file at the office of the Registrar of the Court of Survey for the London District, or for the district in which the ship is, hereinafter called the Court, a notice in the Form No. 1 in Appendix B.

Summoning of Court.

8. Immediately upon the filing of the notice of appeal, the Registrar shall communicate the fact, by telegraph and letter, to the Board of Trade, who shall thereupon inform him whether they intend to have the appeal heard by a Wreck Commissioner, and, if so, on what day.

9. If the Board of Trade inform him that they do not intend to have the appeal heard by a Wreck Commissioner, the Registrar shall forthwith ascertain which of the other Judges of the Court will hear the appeal, and on what day.

10. On ascertaining when the hearing will take place, the Registrar shall, if there is a list of Assessors for the Court, select therefrom the person who is, in his opinion, the best qualified to act as Assessor on the appeal ; or if there is no such list, he will take the instructions of the Judge as to the Assessor to be appointed.

11. The Board of Trade shall appoint the other Assessor, and shall forthwith send the name and address of such Assessor to the Registrar.

12. If the ship is a foreign ship, the Registrar shall give notice to the Consular Officer for the State to which the ship belongs, residing at or nearest to the place where the ship is detained, that, at the request of the Appellant, some competent person will be selected by the Consular Officer to act as Assessor.

13. As soon as the Registrar has ascertained by whom the appeal will be heard, he shall summon the Court in the Form No. 2 in Appendix B. He shall at the same time send notice thereof to the Board of Trade and to the Appellant, in the Form No. 3 in Appendix B.

14. If the survey has been made on the complaint of any person, hereinafter called the Complainant, the Board of Trade shall send to him notice of the time and place appointed for the hearing.

15. Previous to the hearing the Board of Trade shall forward to the Registrar, to be produced as evidence at the hearing, an official copy of the report of the surveyor.

16. The Court shall, if practicable, be summoned to hear the appeal on a day not later than fourteen days from the filing of the notice of appeal.