

Commission signed by the Lord Lieutenant of the County of Leicester.

Cecil George Assheton Drummond, Esq., to be Deputy Lieutenant. Dated 10th April, 1880.

ADDITIONAL RULES as to Investigations into Shipping Casualties, 1880 :—

The Merchant Shipping Act, 1876, 39 and 40 Vic., cap. 80.

The Shipping Casualties Investigations Act, 1879, 42 and 43 Vic., cap. 72.

UNDER the authority of the above-mentioned Acts, I, the Right Honourable Hugh MacCalmont, Earl Cairns, Lord High Chancellor of Great Britain, hereby make the following general rules :—

Short Title.

1. These rules may be cited as the "Shipping Casualties (Appeal and Rehearing) Rules, 1880."

Commencement.

2. These Rules shall come into operation on the 21st day of April, 1880.

Interpretation.

3. In the construction of these Rules the word "Judge" shall mean the Wreck Commissioner, Stipendiary Magistrate, Justices or other authority empowered to hold an investigation into the conduct of a master, mate, or engineer, or into a shipping casualty.

Publication of Rules.

4. These Rules shall be published by Her Majesty's Stationery Office through its agents, and a copy shall be kept at every Custom House and Mercantile Marine Office in the United Kingdom, and any person desiring to peruse them there shall be entitled to do so.

Copy of Report where Certificate affected.

5. Where the certificate of a master, mate, or engineer has been cancelled or suspended, the Board of Trade shall, on application by any party to the proceedings, give him a copy of the report made to the Board.

Appeals.

6. Every appeal under section two of "The Shipping Casualties Investigations Act, 1879," shall be subject to the conditions and regulations following, namely :—

(a) The appellant shall, within seven days after the day on which the decision appealed against is pronounced, serve on such of the other parties to the proceedings as he may consider to be directly affected by the appeal, notice of his intention to appeal, and shall also, within two days after the appeal is set down, serve on the said parties notice of the general grounds of the appeal.

(b) If the appeal is brought by any party other than the Board of Trade, the appellant shall give such security, if any, by deposit of money or otherwise, for the costs to be occasioned by the appeal, as the Judge from whose decision the appeal is brought, on application made to him for that purpose, may direct.

(c) The appellant shall, before the expiration of the time within which notice of appeal may be given, leave with the officer for the time being appointed for that purpose by the Court to which the appeal is brought (in these rules referred to as the Court of Appeal), a copy of the notice of appeal, and the officer shall thereupon set down the appeal by entering it in the proper list.

(d) The Court of Appeal shall be assisted by not less than two Assessors, to be selected, in the discretion of the Court, having regard to the

nature of each case, from either or both of the following classes :—

1. Elder Brethren of the Trinity House.
2. Persons approved from time to time by the Secretary of State as Assessors for the purpose of formal investigations into shipping casualties, under section thirty of the "Merchant Shipping Act, 1876," and sub-section one of section three of the "Shipping Casualties Investigations Act, 1879."

(e) The Court of Appeal may, if it thinks fit, order any other person or persons, body or bodies, other than the parties served with the notice of appeal, to be added as a party or parties to the proceedings for the purposes of the appeal, on such terms with respect to costs and otherwise as to the Court of Appeal seems meet.

(f) Any party to the proceedings may object to the appearance on the appeal of any other party to the proceedings as unnecessary.

(g) The evidence taken before the Judge from whose decision the appeal is brought shall be proved before the Court of Appeal by a copy of the notes of the Judge, or of the shorthand writer, clerk, secretary, or other person authorised by him to take down the evidence, or by such other materials as the Court of Appeal thinks expedient; and a copy of the evidence, and of the report to the Board of Trade containing the decision from which the appeal is brought, and of the notice of the general grounds of the appeal, shall be left with the officer for the time being appointed for that purpose by the Court of Appeal before the appeal comes on for hearing. For the purpose of this rule, copies of the notes of the evidence, and of the report, shall be supplied to the appellant, on request, by the Judge or other person having charge thereof, on payment of the usual charge for copying.

(h) The Court of Appeal shall have full power to receive further evidence on questions of fact, such evidence to be either by oral examination in Court, by affidavit, or by deposition taken before an examiner or commissioner. Evidence may also be given with special leave of the Court of Appeal as to matters which have occurred since the date of the decision from which the appeal is brought.

(i) The Court of Appeal shall have power to make such order as to the whole or any part of the costs of and occasioned by the appeal as may seem just.

(j) Subject to the foregoing provisions of this Rule, every appeal shall be conducted under and in accordance with the general rules and regulations applicable to ordinary proceedings before the Court of Appeal to which it is brought; but there shall not be anything in the nature of pleadings, other than the notice of the general grounds of the appeal, except by special permission of the Court of Appeal.

(k) On the conclusion of an appeal, the Court of Appeal shall send to the Board of Trade, a report of the case, similar to that required to be sent by the Judge from whose decision the appeal is brought.

Rehearings by Order of Board of Trade.

7. (a) Where the Board of Trade direct a rehearing under section 2 of the "Shipping Casualties Investigations Act, 1879," they shall cause such reasonable notice to be given to the parties whom they consider to be affected by the rehearing as the circumstances of the case may, in the opinion of the Board of Trade, permit.

(b) The provisions distinguished as (d), (e), (f), (g), (h), (i), (j), and (k) of the last foregoing Rule