CHAPTER 344
WRECKS ACT

• Act • Subsidiary Legislation •

ACT

Amended by

S.I. 223 of 1964
S.I. 1661 of 1964

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CHAPTER 344
WRECKS ACT

An Act to make provision for inquiry into the causes of wrecks on the coast of Grenada for the appointment of Receivers of wreck and defining their duties, and for the apportionment of salvage.

[Amended by S.I. 223 of 1964, S.I. 1661 of 1964.]

[14*th August*, 1889.]

PART I

Preliminary

1. Short title

This Act may be cited as the Wrecks Act.

2. Act not to apply to ships of Her Majesty or of foreign country

Nothing in this Act shall be deemed to apply to any ship belonging to or in the service of Her Majesty, or belonging to any foreign country.

3. Interpretation

In this Act—

"master" means the person for the time being in command or in charge of a ship;

"Minister" means the Minister of Finance;

"Receiver" means Receiver of wreck;

"ship" means a vessel navigating the sea and propelled by sails, steam or other power and not by oars only;

"wreck" includes all jetsam, flotsam, ligan or derelict found in the sea or on the seashore or in any tidal water.

PART II

Wrecks, Casualties and Enquiries

Inquiry by Magistrate

4. Definition of the expression "shipping casualties"

For the purpose of inquiries and formal investigations hereafter made under this Act, a shipping casualty shall be deemed to occur—

(*a*) when on or near the coasts of Grenada a ship is lost, abandoned or materially damaged;

(*b*) when on or near the coasts of Grenada a ship has been stranded or damaged, and any witness is found in Grenada;

(*c*) when on or near the coasts of Grenada a ship causes loss or material damage to any other ship;

(*d*) when any loss of life ensues by reason of any casualty happening to or on board a ship on or near the coasts of Grenada;

(*e*) when in any place such loss, abandonment, material damage, or casualty as above-mentioned occurs, and any witness is found in Grenada;

(*f*) when in any place a British ship is stranded or damaged, and any witness is found in Grenada;

(*g*) when a British ship is lost or is supposed to have been lost, and any evidence is obtained in Grenada as to the circumstances under which she proceeded to sea or was last heard of.

5. Duties and powers of magistrates and other authorised persons in respect to shipping casualties

(1) Subject to the provisions contained in this Act in any of the following cases, that is to say—

(*a*) where a shipwreck or casualty occurs to a British ship on or near the coasts of Grenada or to a British ship in the course of a voyage to a port within Grenada;

(*b*) where a shipwreck or casualty occurs in any part of the world to a British ship registered in Grenada;

(*c*) where some of the crew of a British ship which has been wrecked or to which a casualty has occurred, and who are competent witnesses to the facts, are found in Grenada;

(*d*) where any incompetency or misconduct has occurred on board a British ship on or near the coasts of Grenada or on board a British ship in the course of a voyage to a port within Grenada;

(*e*) where the incompetency or misconduct has occurred on board a British ship registered in Grenada;

(*f*) when the master, mate, or engineer of a British ship who is charged with incompetency or misconduct on board that British ship is found in Grenada,

it shall be lawful for the Magistrate of the district in or near which such loss, abandonment, stranding, damage, or casualty occurred, or competent witnesses have arrived, or evidence can be obtained, or for any person appointed for the purpose by the Minister, to make inquiry respecting the loss, abandonment, stranding, damage, casualty, supposed loss, incompetency or misconduct, and he or she shall for that purpose have the following powers, that is to say he or she may—

(i) go on board the ship and inspect it or anything on board,

(ii) enter and inspect any premises, the entry or inspection of which appears to him or her to be requisite for the purpose of the report which he or she is directed to make,

(iii) by summons require the attendance of all such persons as he or she thinks fit to call before him or her and examine, and may require answers to any inquiries he or she thinks fit to make,

(iv) require and enforce the production of all books, papers or documents which he or she considers important,

(v) administer oaths.

(2) A person who refuses or neglects to attend as a witness when summoned, or who refuses or neglects to make any answer, to give any return or to produce any document in his or her possession or to make or subscribe any oath required of him or her under the authority of this Act, shall be guilty of an offence and liable, to a fine of five hundred dollars, and upon the conclusion of the case the Magistrate, or other person appointed as aforesaid, shall send in his or her report thereof to the Minister.

6. Penalty on obstructing magistrate making inquiry

A person who assaults, obstructs or resists a magistrate or other person appointed as aforesaid in the execution of his or her duty under this Act, whether on board any ship or elsewhere, shall be guilty of an offence and liable, to a fine of one thousand dollars and may be seized and detained by the Magistrate or other person appointed as aforesaid, or by any person whom he or she may call to his or her assistance, until the offender can be conveniently taken before a magistrate to be dealt with according to law.

Courts of Inquiry

7. Constitution of court

Should it appear to the Minister, on reading the report, that a more formal investigation is requisite or expedient he or she shall notify his or her opinion to the Magistrate, who shall thereupon associate with himself or herself as an assessor one other person having nautical or engineering skill and knowledge, to be nominated by the Minister, and who shall together with him or her form a court for the purpose of hearing the case.

8. Nomination of Assessors

Where any investigation involves or appears likely to involve any question as to the suspending or cancelling of the certificate of a master, mate or engineer, the court shall be held with the assistance of not less than two persons having experience in the Merchant service to act as Assessors with the Magistrate and to be nominated by the Minister.

9. Remuneration of Assessors

The Minister is hereby authorised to pay to the Assessors such sums for their remuneration as may be just, and the Minister may issue his or her warrant on the Permanent Secretary (Finance) for payment of the same.

10. Investigations: how conducted

(1) Every investigation held before the court shall be conducted in such manner that if a charge is made against a person he or she shall have an opportunity of making a defence.

(2) All investigations shall be held in the police station or some other suitable public building.

11. Cases in which certificates of competency or service may be suspended or cancelled

(1) The court may suspend or cancel the certificate whether of competency or service of a master, mate or engineer, if, upon investigation, the court finds—

(*a*) that the loss, abandonment or serious damage to any ship or that loss of life has been caused by his or her wrongful act or default, provided that at least one of the assessors concurs in the finding of the court;

(*b*) that such master, mate or engineer is incompetent or has been guilty of any gross act of misconduct, drunkenness or tyranny; or

(*c*) that in case of collision such master, mate or engineer having been in charge of one of the vessels has without reasonable cause failed—

(i) to render to the other vessel, her crew and passengers, if any, such assistance as was practicable and necessary to save them from any danger caused by the collision,

(ii) to stay by the other vessel until he or she has ascertained that she had no need of further assistance, or

(iii) to give to the master or person in charge of the other vessel the name of his or her own vessel and of the port to which she belongs, and also the names of the ports from which she was coming and to which she is bound,

but no certificate shall be cancelled or suspended unless a copy of the report or statement of the case upon which the investigation is ordered has been served upon the owner of the certificate before the commencement of the investigation.

(2) Every master, mate or engineer whose certificate is suspended or cancelled in pursuance of this Act shall, upon demand of the court or of the Minister, deliver up his or her certificate; and if any master, mate or engineer fails so to deliver his or her certificate he or she shall be liable to pay a fine of three thousand dollars.

12. Court to state in open court its decision with respect to cancelling certificate

(1) The court shall upon the conclusion of the case, or as soon thereafter as possible, state in open court the decision to which they have come with respect to cancelling or suspending certificates, and shall in all cases send a full report upon the case, with the evidence, to the Minister, and shall, if they determine to cancel or suspend any certificate, forward the certificate, if delivered up, to the Minister with their report, and a copy of the report and evidence, together with the certificate, if any, shall forthwith in all cases be forwarded to the Marine Accident Investigation Department of the Department of Transport in England.

(2) Each Assessor shall either sign the report or report to the Minister his or her reasons for dissenting from it.

13. Inquiries not to be held if the matter has already been investigated elsewhere or by a Naval Court

An inquiry shall not be held under this Act into any matter which has once been the subject of an investigation or inquiry and has been reported on by any competent court or tribunal in any part of Her Majesty's dominions or in respect of which the certificate of a master, mate or engineer has been suspended or cancelled by a Naval Court.

14. Powers of court

(1) For the compulsory examination and attendance of parties and witnesses, for the remuneration of witnesses, and for the regulation of all proceedings, the court shall have the same powers as are possessed by a magistrate in any case where he or she has summary jurisdiction, or as near thereto as circumstances permit, including the power to order and enforce payment of costs to be awarded or apportioned and paid in such manner as may be deemed just.

(2) The court shall have the like powers of visiting and inspection as are hereinbefore conferred upon the Magistrate. A person who obstructs, resists, or assaults any of the members of the court in so doing shall be guilty of an offence and liable, to a fine of one thousand dollars.

15. If inquiry has been commenced in U.K. no inquiry to be held in Grenada

Where an investigation or inquiry has been commenced in the United Kingdom with reference to any matter, an inquiry with reference to the same matter shall not be held under this Act.

16. Re-hearing of inquiry and appeal

The Department of Transport in England may, if the Secretary of State so determines, conduct the re-hearing of any inquiry made or held under this Act in like manner as that Department may conduct an investigation in England, but if an application for re-hearing either is not made or is refused an appeal shall lie, from any order or finding of the court or tribunal holding the inquiry, to the High Court—

Provided that an appeal shall not lie—

(*a*) from any order or finding on an inquiry into a casualty affecting a ship registered in a British possession; or

(*b*) from a decision affecting the certificate of a master, mate or engineer, if that certificate has not been granted either in the United Kingdom or in a British possession, under the authority of the laws for the time being in force relating to Merchant Shipping.

PART III

Receivers, Offences and Settlement of Disputes

17. Receiver of wreck

(1) The Permanent Secretary (Finance) shall be *ex officio* Chief Receiver of wreck throughout Grenada, and shall have the general superintendence of all matters relating to wreck; and he or she may, with the Minister's approval, appoint any customs officer or other person to be Receiver of wreck in and for any district, or for any special occasion to perform the duties of Receiver.

(2) Notice of every appointment of Receiver shall be given in the *Gazette*, and the insertion of the notice in the *Gazette* shall be conclusive proof of the appointment.

(3) Where the Receiver is mentioned in this Act he or she shall be taken to be the person appointed by the Permanent Secretary (Finance) unless the context otherwise requires.

18. Duty of Receiver when ship is stranded or in distress

(1) Whenever any British or foreign ship is wrecked, stranded or in distress at any place on or near the coast of Grenada or any tidal water within the limits of Grenada the Receiver shall, upon being made acquainted with the accident, as soon as possible proceed to the place, and upon his or her arrival there take the command of all persons present, and assign such duties to each person and issue such directions as he or she may think fit with a view to the preservation of the ship, of the lives of the persons belonging thereto, and of the cargo and apparel thereof.

(2) If a person wilfully disobeys any such direction he or she shall be guilty of an offence and liable, to a fine of one thousand dollars; but it shall not be lawful for the Receiver to interfere between the master of the ship and his or her crew in matters relating to the management thereof unless he or she is requested to do so by the master.

19. General powers of Receiver

(1) The Receiver may, with a view to the preservation of the ship, persons, cargo and apparel, do the following things or any of them—

(*a*) summon such number of men as he or she thinks necessary to assist him or her;

(*b*) require the master of any ship or boat near at hand to give such aid with his or her men, ship or boat as may be in his or her power; and

(*c*) demand the use of any vehicle or horses that may be near at hand.

(2) Every person who refuses or neglects, without reasonable cause, to comply with any summons, requisition or demand so made shall be guilty of an offence and liable, to a fine of three thousand dollars.

20. Custody of articles washed on shore, etc.

(1) All cargo and other articles belonging to the ship which may be washed on shore or otherwise be lost or taken from the ship shall be delivered to the Receiver.

(2) Every person, whether he or she is the owner or not, who secretes or keeps possession of any such cargo or article, or refuses or neglects to deliver the same to the Receiver or to any person authorised by him or her to demand the same, shall be guilty of an offence and liable to a fine of three thousand dollars; and it shall be lawful for the Receiver or other person as aforesaid to take the cargo or article by force from the person so refusing or neglecting to deliver it.

21. Power of Receiver to suppress plunder and disorder by force

Whenever any such accident happens to any ship and any person plunders, creates disorder, or obstructs the preservation of the ship, lives or cargo, it shall be lawful for the Receiver to cause the person to be apprehended and to use force for the suppression of any such plundering, disorder or obstruction, with power to command all citizens to assist him or her in the use of such force; and if any person is killed, maimed or hurt by reason of his or her resisting the Receiver in the lawful execution of the duties hereby committed to him, her or any person acting under his or her orders, such Receiver or other person shall be free and fully indemnified as well against the Crown as against all persons so killed, maimed or hurt, and all other persons whomsoever.

22. Exercise of Receiver's powers in his or her absence

During the absence of the Receiver from the place where any such accident occurs to any ship, or in a place where no Receiver has been appointed, then until he or she is appointed the following officers in succession (that is to say), the Chief of Police, any commissioned officer in full pay in Her Majesty's army, navy, or air force, any Justice of the Peace or any Inspector of Police or Subordinate Officer of the Police Force may do all things and matters hereby authorised to be done by the Receiver; and any officer so acting shall be considered as the agent of the Receiver and shall deliver any goods or articles belonging to the ship into the custody of the Receiver.

23. Power of Receiver to examine with respect to ships in distress

(1) A Receiver or, in his or her absence, any Justice of the Peace shall, as soon as conveniently may be, examine upon oath (which oath they are hereby empowered to administer) any person belonging to any British or foreign ship which may be or may have been in distress on the coast of Grenada, 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 names of the master and the owners;

(*c*) the names of the owners of the cargo;

(*d*) the ports or places from and 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 ship or cargo as the Receiver or Justice thinks necessary.

(2) The Receiver or Justice shall take the examination down in writing and shall make two copies of it of which he or she shall send one to the Minister and the other to the Permanent Secretary (Finance). For the purposes of the examination every Receiver or Justice shall have all the powers given to a magistrate and to a court of inquiry by Part II of this Act.

24. Power in case of ship being in distress to pass over adjoining land

(1) Whenever any such accident occurs to any ship, all persons may for the purpose of rendering assistance to the ship or preserving the lives of the persons on board it or its cargo or its apparel, unless there is some public road equally convenient, pass and re-pass, either with or without vehicles or horses, over any adjoining lands without being subject to interruption by the owner or occupier, so that they do as little damage as possible; and may also on the like condition deposit on the lands any cargo or other article recovered from the ship. All damage sustained by any owner or occupier in consequence of any such passing or re-passing or deposit shall be a charge on the ship, cargo or article in respect of or by which the damage was occasioned, and shall in default of payment be recoverable in the same manner as salvage is by this Act made recoverable; and the amount payable in respect thereof, shall, if disputed, be determined in the same manner as the amount of salvage is by this Act in a case of dispute to be determined.

(2) If the owner or occupier of any land over which any person is hereby authorised to pass or re-pass for any of the purposes hereinbefore mentioned impedes or hinders any such person from passing or re-passing or impedes or hinders the deposit of any cargo or other article recovered from any such ship, he or she shall be guilty of an offence and liable to a fine of three thousand dollars.

Finding of Wreck

25. Rules to be observed by person finding wreck

(1) The following rules shall be observed by any person finding or taking possession of wreck within Grenada, that is to say—

(*a*) if the person so finding or taking possession is the owner, he or she shall as soon as possible give notice to the Receiver, stating that he or she has so found or taken possession, and he or she shall describe in the notice the marks by which the wreck is distinguished; and

(*b*) if any person not being the owner finds or takes possession of any wreck he or she shall as soon as possible deliver it to the Receiver.

(2) Every person making default in obeying the provisions of this section shall be guilty of an offence and liable to a fine of three thousand dollars, and where he or she is not the owner he or she shall forfeit all claim to salvage.

26. Notice of wreck to be given by Receiver

Every Receiver shall, within seven days after taking possession of any wreck, cause to be posted up in some public place near to which the wreck was found or seized a description of it, and of any marks by which it is distinguished, and shall also, if the value of the wreck in his or her opinion exceeds one hundred dollars, but not otherwise, transmit a similar description to the agent of the Committee of Lloyd's to be posted up in some conspicuous place for the inspection of all persons desirous of examining it.

27. Receiver's power to seize concealed wreck

If any Receiver suspects or receives information that a wreck is secreted or in possession of some person who is not the owner thereof or is otherwise improperly dealt with, he or she may enter into any house or other place wherever situate, and also into any ship or boat, and search for and seize and detain the wreck or any part thereof there found, and if any such seizure is made in consequence of information given by any person to the Receiver the informer shall be entitled by way of salvage to such sum as the Permanent Secretary (Finance) may allow.

28. Payments to Receiver and others

There shall be paid from the Treasury to all Receivers and to all persons who act in their stead or otherwise under this Act such expenses properly incurred by them in the performance of their duties as the Minister may allow; and there shall also be paid to all Receivers in respect of the matters specified in the Schedule such fees, not exceeding the amounts therein mentioned, as may, from time to time, be directed by the Minister which fees shall be paid by the Receiver into the Treasury; and the Receiver and other persons aforesaid shall have the same lien and other remedies for the recovery of such expenses and fees as a salvor is entitled to in respect of salvage due to him or her. It shall be lawful for the Minister to award to the Receiver such proportion to the said fees when paid as he or she shall think fit.

Offences relating to Wreck

29. Wreck found in the possession or on the premises of any person

If any goods, merchandise or articles of any kind belonging to any ship in distress or wrecked, stranded or cast on shore, are found in possession of any person or on his or her premises with his or her knowledge that he or she came unlawfully by them, then they shall by order of the Magistrate be forthwith delivered over to the Receiver of the police district to be disposed of according to law and such person shall be guilty of an offence and liable to a fine of one thousand dollars.

30. Penalty in case of shipwreck for plundering obstructing or secreting

Whoever—

(*a*) wrongfully carries away or removes any part of a ship stranded or in danger of being stranded or otherwise in distress, on or near the shore of any sea or tidal water, or any part of the cargo or apparel thereof, or any wreck;

(*b*) endeavours in any way to impede or hinder the saving of such ship, cargo, apparel or wreck; or

(*c*) secretes any wreck or obliterates or defaces any mark thereon,

shall, in addition to any other penalty or punishment to which he or she may be subject under this or any other law, be guilty of an offence and liable to a fine of three thousand dollars and to imprisonment for six months.

31. Penalty for unlawfully boarding ship in distress

Whosoever not being a Receiver or person authorised to take the command where ships are stranded or in distress, or not acting under the orders of such Receiver or person but without the master's leave, endeavours to board any such ship, shall be guilty of an offence and liable to a fine of three thousand dollars; and it shall be lawful for the master of the ship to repel by force any such person so attempting to board it.

Unclaimed Wreck

32. Proceedings with respect to unclaimed wreck

(1) If no owner establishes a claim to wreck found in any part of Grenada before the expiration of a year from the date at which it came into the possession of the Receiver, the Receiver shall forthwith sell it and shall after paying all expenses attending the sale and deducting all expenses incurred by him or her, and paying to the salvors such amount of salvage as the Minister may in each case or by any general rule determine, pay the proceeds of the sale to the Permanent Secretary (Finance) to be disposed of in accordance with the law for the time being in force regulating the disposal of droits of the Admiralty:

Provided that in cases where any wreck in the custody of a Receiver is under the value of twenty-five dollars or is of so perishable a nature or so damaged that it cannot in his or her opinion be advantageously kept, the Receiver may sell it before the expiration of the period hereinbefore mentioned, and the proceeds of the sale after the payment of the expenses thereof shall be paid to the Permanent Secretary (Finance) to be held by him or her for the same purposes and subject to the same claims for and to which the article sold would have been held and liable if it had remained unsold.

(2) Before paying the proceeds of unclaimed wreck to the Permanent Secretary (Finance) in accordance with this section and paying any surplus to any owner or other person in accordance with section 47, the Receiver shall deduct the proper duty, if any, payable in respect of the property sold and shall pay the same into the Treasury.

Dispute as to Wreck

33. Disputed title to wreck, how to be decided

(1) If any dispute arises between the Permanent Secretary (Finance) or any Receiver and any person as to the validity of such person's claim to wreck, or if divers persons claim to be entitled to wreck found at the same place, the matter in dispute may be decided by arbitrators in the same manner in which disputes as to salvage coming within the jurisdiction of arbitrators are hereinafter directed to be determined, with the substitution of a Justice of the Peace as one of the arbitrators to be nominated by the Minister in the place of the Permanent Secretary (Finance).

(2) If any party to such dispute is dissatisfied with the decision of the arbitrators he or she may within three months from the date of the decision, but not afterwards, take such proceedings as he or she may be advised in any court having jurisdiction in the matter for establishing his or her title.

34. Discharge of Permanent Secretary (Finance) or Receiver from liability on delivery of wreck

Upon the delivery of wreck or the proceeds of wreck by the Permanent Secretary (Finance) or by a Receiver to any person in pursuance of the provisions of this Act the Permanent Secretary (Finance) or 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 wreck which may be raised by third parties.

35. Who to be deemed agent of owner in case of wreck of foreign ship

Whenever any foreign ship which has been wrecked, or any article of or belonging to such ship or forming part of the cargo thereof, is found on or near the coast of or is brought into any port in Grenada, the consular officer of the country to which the ship or the owners of the cargo may have belonged shall, in the absence of the owner and of the master or other agent of the owner, be deemed to be the agent of the owner so far as relates to the custody or disposal of the article.

PART IV

Salvage, Import Duties, Wrecks, etc.

36. Provisions relating to salvage

Whenever any ship is stranded or otherwise in distress on the shore of any sea or tidal water, or whenever any wreck is found within the limits of Grenada, and services are rendered by any person—

(*a*) in assisting the ship;

(*b*) in saving the life of any person belonging to the ship; or

(*c*) in saving the cargo or apparel of the ship, or any portion thereof,

or whenever any wreck is saved by any person other than a Receiver, there shall be payable by the owner of the ship, cargo, apparel or wreck to the person by whom such services are rendered or by whom the wreck is saved a reasonable amount of salvage, together with all expenses properly incurred by him or her in the performance of such services or the saving of the 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 the manner hereinafter mentioned.

37. Dispute as to salvage

(1) Whenever any dispute arises between the owner of any such ship, cargo, apparel or wreck and the salvor as to the amount of salvage, and the parties to the dispute cannot agree as to the settlement thereof by arbitration or otherwise—

(*a*) if the sum claimed does not exceed one thousand dollars the dispute shall be referred to the arbitration of the Permanent Secretary (Finance) or any Receiver and any magistrate, hereinafter called the arbitrators; and

(*b*) if the sum claimed exceeds one thousand dollars the dispute may, with the consent of the parties, be referred to the arbitration of the arbitrators, but if they do not consent shall be decided by the High Court.

(2) Every dispute with regard to salvage may be heard and adjudicated upon the application either of the salvor or of the owner of the property salved or of their agents.

38. Appointment of valuer

(1) Whenever any salvage question arises, the Receiver may, upon application of either of the parties, appoint a valuer to value the property in respect of which the salvage claim is made, and shall when the valuation has been returned to him or her give a copy of it to both parties, and any writing purporting to be a copy of the valuation and to be signed by the valuer and attested by the Receiver shall in any subsequent proceeding be *prima facie* evidence of the valuation without proof of the signature or official character of the valuer or Receiver.

(2) There shall be paid to the valuer in respect of the valuation by the party applying for it such fee as the Minister may direct.

39. Manner in which arbitrators may decide dispute

(1) Whenever in pursuance of this Act any dispute as to salvage is referred to the arbitrators they may, if they think fit, call to their assistance any person conversant with maritime affairs as Assessor, or they may, if a difference of opinion arises between them, appoint some person conversant with maritime affairs as an Umpire to decide the point in dispute.

(2) The arbitrators shall make an award as to the amount of salvage payable within seven days after the dispute has been referred to them, and the Umpire shall give his or her decision within three days after his or her appointment; with power nevertheless for the arbitrators or Umpire by writing under their hands to extend the periods aforesaid.

40. Costs of arbitration

There shall be paid to every Assessor and Umpire in respect of his or her services such sum, not exceeding fifty dollars, as the Minister may direct; and all costs of the arbitration, including any such payment as aforesaid, shall be paid by the parties to the dispute in such manner and in such shares and proportions as the arbitrators or Umpire shall direct by their award.

41. Power to arbitrators to call for documents and administer oaths

The arbitrators or the Umpire 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 oath, and may administer the oaths necessary for that purpose.

42. Appeal to High Court

If any person is aggrieved by the award made by the arbitrators or Umpire he or she may appeal to the Court having Admiralty Jurisdiction in Grenada; but no such appeal shall be allowed unless the sum in dispute exceeds two hundred and fifty dollars, nor unless within ten days after the date of the award the appellant gives notice to the arbitrators or Umpire of his or her intention to appeal, nor unless the appellant, within thirty days from the date of the award, takes such proceedings as according to the practice of the Court are necessary for the institution of such an appeal.

43. Arbitrators to send proceedings and certificate to Court

Whenever an appeal is made the arbitrators or Umpire shall transmit to the proper officer of the Court a copy certified under their hands to be a true copy of the proceedings had before them and of the award made by them, accompanied by a certificate in writing of the gross value of the article respecting which salvage is claimed, and the copy and certificate shall be admitted in the Court as evidence in the cause.

44. Payment of salvage, to whom to be made in case of dispute as to apportionment

Whenever the aggregate amount of salvage payable in respect of salvage services has been finally ascertained either by agreement or by the award of the arbitrators or Umpire, but a dispute arises as to the apportionment thereof amongst several claimants, then if the amount does not exceed one thousand dollars it shall be lawful for the party liable to pay the amount to apply to the Permanent Secretary (Finance) for liberty to pay it to him or her, and he or she shall, if he or she thinks fit, receive it accordingly and grant a certificate under his or her hand stating the fact of payment and the services in respect of which it is made, and such certificate shall be a full discharge and indemnity to the persons to whom it is given, and their ship, boats, cargo, apparel and effects, against the claims of all persons whomsoever in respect of the services therein mentioned; but if the amount exceeds one thousand dollars it shall be apportioned in the manner hereinafter mentioned.

45. Apportionment of salvage

Upon the receipt of the amount the Permanent Secretary (Finance) shall with all convenient speed proceed to distribute it among the persons entitled to it upon such evidence and in such shares and proportions as the Minister thinks fit, with power to retain any monies that may appear to be payable to any absent parties; but any distribution made in pursuance of this section shall be final and conclusive against the rights of all persons claiming to be entitled to any portion of the monies distributed.

46. Manner of enforcing payment of salvage

(1) Whenever any salvage is due to any person under this Act, the Receiver shall act as follows—

(*a*) if it is due in respect of services rendered in assisting any ship or in saving the life of any person belonging to a ship or the cargo or apparel thereof, he or she shall detain the ship and the cargo or apparel thereof until payment is made or process has been issued by some competent court for the detention of the ship, cargo or apparel; and

(*b*) if it is due in respect of the saving of any wreck, and the wreck is not sold as unclaimed in pursuance of the provisions of this Act, he or she shall detain the wreck until the payment is made or process has been issued in manner aforesaid.

(2) But it shall be lawful for the Receiver, if at any time previously to the issue of such process security is given to his or her satisfaction for the amount of salvage due, to release from his or her custody any ship, cargo, apparel or wreck so detained by him or her, and in any case where the claim for salvage exceeds one thousand dollars it shall be lawful for the Court on summary application made to it to determine any question that may arise concerning the amount of the security to be given or the sufficiency of the sureties.

(3) Notwithstanding anything contained in this section it shall not be lawful for a Receiver to release any cargo or wreck unless and until arrangements have been made to the satisfaction of the Permanent Secretary (Finance) for the payment of the proper duty.

47. Power of Receiver to sell property salved in case of non-payment

Whenever any ship, cargo, apparel or wreck is detained by a Receiver for non-payment of any sums so due as aforesaid, and the parties liable to pay the sums are aware of the detention, then—

(*a*) in cases where the amount is not disputed and payment is not made within twenty days after it has been claimed;

(*b*) in cases where the amount is disputed but no appeal lies from the first tribunal to which the dispute is referred, and payment is not made within twenty days after the decision of the first tribunal; and

(*c*) in cases where the amount is disputed and an appeal lies from the decision of the first tribunal to some other tribunal and payment is not

made within thirty days after the decision, and such proceedings as according to the practice of such other tribunal are necessary for the prosecution of an appeal are not instituted within such thirty days,

the Receiver may forthwith sell the ship, cargo, apparel or wreck or a sufficient part thereof, and out of the proceeds of the sale, after payment of all expenses thereof, defray all sums due in respect of all expenses, fees and salvage, paying the surplus, if any, to the owners of the property sold or such other parties as may be entitled to receive it.

48. Title to wreck subject to payment of expenses and salvage

Subject to the payment of such expenses, fees and salvage as aforesaid, the owner of any wreck who establishes his or her claim thereto to the satisfaction of the Permanent Secretary (Finance) within one year from the date at which the wreck has come into the possession of the Receiver shall be entitled to have it delivered up to him or her; but no person shall be deemed to have established a claim for delivery of any wreck under this section unless he or she—

(*a*) shall supply to the Permanent Secretary (Finance) such information as the latter may deem necessary in order to ascertain the amount of duty payable in respect of the wreck delivery of which is claimed; and

(*b*) shall pay to the Permanent Secretary (Finance) the proper duty on such wreck.

49. Powers of Court to apportion salvage

When the amount of salvage payable for salvage services rendered to Grenada has been finally ascertained and exceeds one thousand dollars, then, if any dispute or delay arises as to the apportionment thereof, a Judge of the Court may cause it to be apportioned amongst the persons entitled thereto in such manner as may be just, and may for that purpose, if he or she thinks fit, appoint any person to carry the apportionment into effect, and may compel any person in whose hands or under whose control the amount may be to distribute it or to bring it into Court to be there dealt with as the Court may direct, and may for the purposes aforesaid issue such process as it thinks fit.

Import Duty on Wrecks, Salvage, etc.

50. Wrecked goods liable to import duty

All wreck being foreign goods brought or coming into Grenada shall be subject to the same duties as if the same were imported, and if any question arises as to the origin of the goods they shall be deemed to be the produce of such country as the Permanent Secretary (Finance) may, on investigation, determine.

51. Wrecked goods may be sent to port of original destination without paying duty

The Permanent Secretary (Finance) shall permit all goods, wares, and merchandise saved from any ship stranded or wrecked on her homeward voyage to be forwarded to the port of her original destination, and all goods, wares, and merchandise saved from any ship stranded or wrecked on her outward voyage to be returned to the port at which the same were shipped; but the Permanent Secretary (Finance) shall take security for the due protection of the revenue in respect of those goods.

52. Owners of wrecked goods to give information to the Treasury of the value, etc., of the goods

(1) If any wreck liable to duty as aforesaid be taken possession of by the owner in accordance with section 25(1) such owner shall as soon as possible file a statement at the Treasury showing—

(*a*) the date when he or she took possession;

(*b*) the marks, numbers, denomination and description of the goods taken into possession;

(*c*) their quantity and description in accordance with the official import list;

(*d*) the value (without any deduction for deterioration) of such goods as are liable to specific duty and *ad valorem* duty respectively;

(*e*) an estimate of the present value of such goods, allowing for deterioration; and

(*f*) the place at which such owner has such goods in possession. The owner shall at the time of filing make a statutory declaration that the statement is correct and that the sums and prices in figures therein contained are the real and *bona fide* value at the place from whence the goods have been imported.

(2) Every owner taking possession as aforesaid shall refrain from using, selling or disposing of the goods until those goods have been inspected by or on behalf of the Permanent Secretary (Finance) and until he or she has paid the proper duty thereon, and an owner who does not comply with the provisions contained in this section shall be guilty of an offence and, in addition to his or her liability to pay the duty, shall be liable to a fine of three thousand dollars.

53. Calculation of the amount of duty to be paid in respect of wrecked goods

The amount of duty payable as aforesaid shall be calculated as follows—

(*a*) if goods subject to *ad valorem* duty are sold by a Receiver the duty shall be calculated according to the purchase price and shall be deducted therefrom by the Receiver;

(*b*) if goods subject to a specific duty are sold by a Receiver the latter shall deduct the duty from the purchase price:

Provided that if any such goods by reason of their damaged condition realise a sum which in the opinion of the Receiver is less than the amount which would otherwise have been paid, it shall be lawful for the Receiver in his or her discretion to reduce the specific duty to an extent which will make the duty deducted be in the same proportion to the whole specific duty as the price realised bears to the sum which the Receiver estimates would have been realised if the goods had been undamaged;

(*c*) with respect to goods of the kind referred to in the preceding section and in the proviso to section 48, full *ad valorem* duty or specific duty shall be paid unless the goods are in the opinion of the Permanent Secretary (Finance) materially damaged.

In the latter case the Permanent Secretary (Finance) may fix the amount to be paid as duty at a sum bearing the same proportion to the whole specific duty or *ad valorem* duty that the value of the injured goods bears to what would be the gross value of the goods if undamaged.

Miscellaneous Provisions

54. Recovery of penalties

All fines and penalties under this Act shall be recovered summarily before a magistrate.

55. Regulations

It shall be lawful for the Minister to make regulations for duly carrying this Act into effect.

Schedule

WRECKS ACT

Fees and Remuneration of Receivers

[Section 28.]

	$ c
For every examination on oath instituted by a Receiver with respect to any ship which may be or may have been in distress, a fee not exceeding	5.00
But so that in no case shall a larger fee than $10 be charged for all examinations taken in respect of the same ship and the same occurrence, whatever may be the number of deponents	
For every Report required to be sent by the Receiver to the Minister or Permanent Secretary (Finance), a sum not exceeding	5.00
For wreck taken by the Receiver into his or her custody a percentage of five per cent upon the value thereof:	
But so that in no case shall the whole amount of percentage so payable exceed $100.	
In cases where services are rendered by a Receiver in respect of a ship in distress, not being wreck, or in respect of the cargo or other articles belonging thereto, he or she shall receive the following fees instead of a percentage, that is to say—	
If the ship with her cargo equals or exceeds in value $3000, the sum of $10 for the first and the sum of $5 for every subsequent day during which the Receiver is employed on the service; but if the ship with her cargo is less in value than $3000, one-half of the above-mentioned sum.	

CHAPTER 344
WRECKS ACT

SUBSIDIARY LEGISLATION

No Subsidiary Legislation