ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER R15

RECEIVERS OF WRECK ACT

Showing the Law as at 15 December 2010

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates—
Act 7/2010, in force 1 November 2010

Published by the
Attorney General's Chambers
Printed under Authority by
The Regional Law Revision Centre Inc.
ANGUILLA

ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER R15

RECEIVERS OF WRECK ACT

Showing the Law as at 15 December 2010

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates—

Act 7/2010, in force 1 November 2010

Published by the
Attorney General's Chambers
Printed under Authority by
The Regional Law Revision Centre Inc.
ANGUILLA

© Government of Anguilla

All rights reserved. No part of this publication may be reproduced in any form or by any means (including photocopying) without the written permission of the Government of Anguilla except as permitted by the Copyright Act or under the terms of a licence from the Government of Anguilla.

RECEIVERS OF WRECK ACT

TABLE OF CONTENTS

SECTION

1. Interpretation
2. Act not to affect jurisdiction of Colonial Court of Admiralty
3. Appointment of Receiver
4. Duty of Receiver when any ship is stranded or in distress
5. Powers of Receiver in case of such accident to any ship or boat
6. All articles washed on shore, or lost, etc., to be delivered to the Receiver
7. Power of Receiver to suppress plunder and disorder by force
8. Certain officers to exercise powers of Receiver in his absence
9. Power in case of a ship being in distress to pass over adjoining lands
10. Penalty on owners and occupiers of land refusing right, etc., to pass over their lands
11. Power of Receiver to institute examination with respect to ships in distress
12. Original or certified copy of examination to be *prima facie* evidence
13. Rules to be observed by persons finding wreck
14. Power for Receiver to seize concealed wreck
15. Notice of wreck to be given by Receiver
16. Goods deemed perishable or of small value may be sold immediately
17. In cases where any person is entitled to unclaimed wreck, Receiver to give notice to him
18. Payments to be made to Receiver
19. Disputes as to sums payable to Receiver
20. Receiver may appoint a valuer in salvage cases
21. To whom salvage payable in case of dispute as to apportionment
22. Apportionment of salvage
23. Manner of enforcing payment of salvage
24. Power of Receiver to sell property salved in cases of non-payment
25. Subject to payment of expenses, fees, and salvage, owner entitled to wreck
26. Receiver to deliver up possession of unclaimed wreck to person entitled
27. Delivery of wreck by Receiver not to prejudice title
28. Unclaimed wreck to be sold
29. Application of fees
30. Receiver of Wreck to give security
31. Recovery of penalties
32. Citation

SCHEDULE: Fees and Remuneration of Receiver

RECEIVERS OF WRECK ACT

Interpretation

1. In this Act—

"horses" includes cattle and other beasts of burden;

"wreck" includes jetsam, flotsam, lagan, and derelict.

Act not to affect jurisdiction of Colonial Court of Admiralty

2. Nothing in this Act shall extend or be construed to extend to affect or abridge in any degree the jurisdiction or authority of the High Court as a Colonial Court of Admiralty.

Appointment of Receiver

3. The Accountant General shall be *ex officio* Receiver of Wreck, but it shall be lawful for the Governor to appoint, in place of, or in addition to, the Accountant General any other person as Receiver of Wreck to perform such duties as are hereinafter mentioned, but no person in receipt of a salary from the Government in remuneration for his whole time shall be entitled to receive any of the fees set out in the Schedule as extra remuneration for his services as Receiver of Wreck.

Duty of Receiver when any ship is stranded or in distress

4. Whenever any ship or boat is stranded or in distress at any place on the shore of the sea, or of any tidal water, within the limits of Anguilla, the Receiver shall, upon being made acquainted with such accident, forthwith proceed to such place, and, upon his arrival there, he shall take the command of all persons present, and assign such duties to each person and issue such directions as he may think fit with a view to the preservation of such ship or boat, and the lives of the persons belonging thereto, and the cargo and apparel thereof; and if any person wilfully disobeys such directions, he shall incur a penalty not exceeding $9,600, but it shall not be lawful for such Receiver to interfere between the master of such ship or boat and his crew in matters relating to the management thereof, unless he is requested so to do by such master.

Powers of Receiver in case of such accident to any ship or boat

5. The Receiver may, with a view to such preservation as aforesaid of the ship or boat, persons, cargo, and apparel, do the following things, that is to say—

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

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

(c) demand the use of any wagon, cart, or horses that may be near at hand;

and any person refusing without reasonable cause to comply with any summons, requisition, or demand so made as aforesaid, shall, for every such refusal, incur a penalty not exceeding $19,200; but no person shall be liable to pay any duty of assessed taxes in respect of any such wagon, cart, or horses, by reason of the user of the same under this section.

All articles washed on shore, or lost, etc., to be delivered to the Receiver

6. All cargo and other articles belonging to such ship or boat as aforesaid that may be washed on shore, or otherwise be lost or taken from such ship or boat shall be delivered to the Receiver, and any person, whether he is the owner or not, who secretes or keeps possession of any such cargo or article, or refuses to deliver the same to the Receiver, or to any person authorised by him to demand the same, shall incur a penalty not exceeding $19,200; and it shall be lawful for such Receiver or other person as aforesaid to take such cargo or article by force from the person so refusing to deliver the same.

Power of Receiver to suppress plunder and disorder by force

7. Whenever any such accident as aforesaid occurs to any ship or boat, and any person plunders, creates disorder, or obstructs the preservation of such ship, boat, lives, or cargo as aforesaid, it shall be lawful for the Receiver to cause such person to be apprehended, and to use force for the suppression of any such plundering, disorder, or obstruction as aforesaid, with power to command all Her Majesty's subjects to assist him in the use of such force; and if any person is killed, maimed, or hurt by reason of his resisting the Receiver in the execution of the duties hereby committed to him, or any person acting under his orders, such Receiver or other person shall be free and fully indemnified as well against the Queen's Majesty, Her Heirs and Successors, as against all persons so killed, maimed, or hurt.

Certain officers to exercise powers of Receiver in his absence

8. (1) During the absence of the Receiver when any such accident as aforesaid occurs, or where no Receiver has been appointed under this Act, the following officers in succession, each in the absence of the other, in the order in which they are named, , may do all matters and things hereby authorised to be done by the Receiver—

(a) a principal Officer of Customs;

(b) a Justice of the Peace; and

(c) a Commissioned Officer on full-pay in the Naval or Military service of Her Majesty.

(Act 7/2010, s. 26)

(2) Notwithstanding subsection (1), with respect to any goods or chattels belonging to any such ship or boat, the delivery up of which to the Receiver is required by this Act, any officer acting for the Receiver shall be considered as the agent of the Receiver, and shall place the same in the custody of the Receiver, and no person so acting as substitute for any Receiver shall be entitled to any fees payable to the Receiver, or be deprived, by reason of his so acting, of any right to salvage to which he would otherwise be entitled.

(Am. in L.R. 15/12/2010)

Power in case of a ship being in distress to pass over adjoining lands

9. Whenever any such accident as aforesaid occurs to any ship or boat, all persons may, for the purpose of rendering assistance to such ship or boat, or saving the lives of the persons on board the same, or the cargo or apparel thereof, unless there is some public road equally convenient, pass and repass, with or without vehicles or other modes of conveyance 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 such lands any cargo, or other article, recovered from such ship or boat; and all damage that may be sustained by any owner or occupier in consequence of any such

passing or repassing or deposit as aforesaid shall be a charge on the ship, boat, cargo, or articles in respect of, or by which, such damage was occasioned, and shall, in default of payment, be recoverable in the same manner as salvage is recoverable; and the amount payable in respect thereof, if disputed, shall be determined in the same manner as the amount of salvage may, in case of dispute, be determined.

Penalty on owners and occupiers of land refusing right, etc., to pass over their lands

10. If the owner or occupier of any land over which any person is hereby authorised to pass or repass for any of the purposes hereinbefore mentioned does any of the following things, that is to say—

(a) impedes or hinders any such person from so passing or repassing, with or without vehicles or other modes of conveyance and persons rendering assistance, by locking his gates, refusing upon request to open the same, or otherwise however;

(b) impedes or hinders the deposit of any cargo, or other article, recovered from any such ship or boat as hereinbefore mentioned;

(c) prevents such cargo or other article from remaining so deposited for a reasonable time, until the same can be removed to a safe place of public deposit;

he shall, for every such offence, incur a penalty not exceeding $19,200.

Power of Receiver to institute examination with respect to ships in distress

11. The Receiver or, in his absence, any Justice of the Peace, shall, as soon as conveniently may be, examine, upon oath (which oath they are hereby, respectively, empowered to administer) any person belonging to any ship which may be, or may have been, in distress on the coast of any island of Anguilla, 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 name of the master and of the owners;

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

(d) the ports and 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 such ship, or to the cargo on board the same, as the Receiver or Justice thinks necessary;

and such Receiver or Justice shall take the examination down in writing, and shall make 2 copies of the same, of which he shall send one to the Governor, and the other to the Secretary of the Committee for managing the affairs of Lloyd's in London.

Original or certified copy of examination to be *prima facie* evidence

12. Any examination so taken in writing as aforesaid, or a copy thereof purporting to be certified under the hand of the Receiver or Justice before whom such examination was taken, shall be admitted in evidence in any Court of Justice, or before any person having, by law or by consent of parties, authority to hear, receive, and examine evidence, as *prima facie* proof of all matters contained in such written examination.

Rules to be observed by persons finding wreck

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

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

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

(2) Any person making default in obeying the provisions of this section shall incur the following penalties, that is to say—

(a) if he is the owner, and makes default in performing the several things the performance of which is hereby imposed on an owner, he shall incur a penalty not exceeding $19,200; and

(b) if he is not the owner, and makes default in performing the several things the performance of which is hereby imposed on any person not being an owner—

(i) he shall forfeit all claim to salvage,

(ii) he shall pay to the owner of such wreck, if the same is claimed, or, if the same is unclaimed, then to the person entitled to such unclaimed wreck, double the value of such wreck (such value to be recovered in the same way as a penalty of like amount);

and he shall incur a penalty not exceeding $19,200.

Power for Receiver to seize concealed wreck

14. If the Receiver suspects or receives information that any wreck is secreted or in possession of some person who is not the owner thereof, or otherwise improperly dealt with, he may apply to the Magistrate for a warrant, and the Magistrate shall have power to grant a warrant, by virtue whereof it shall be lawful for the Receiver to enter into any house or other place wherever situated, and also into any ship or boat, and to search for, and seize and detain, any such wreck as aforesaid there found; and if any such seizure is made in consequence of information that may have been given by any person to the Receiver, the informer shall be entitled by way of salvage to such sum, not exceeding in any case $24, as the Receiver may allow.

Notice of wreck to be given by Receiver

15. The Receiver shall, within 48 hours after taking possession of any wreck, cause to be posted up in the custom-house of the port nearest to the place where such wreck was found or seized, a description of the same and of any marks by which it is distinguished, and shall also, if the value of such wreck exceeds $96, but not otherwise, transmit a similar description to the Secretary of the Committee of Lloyd's aforesaid.

Goods deemed perishable or of small value may be sold immediately

16. In cases where any wreck in the custody of the Receiver is under the value of $24, or is of so perishable a nature or so much damaged that the same cannot, in his opinion, be advantageously kept, or if the value thereof is not sufficient to defray the charge of warehousing, the Receiver may sell the same before the expiration of the period hereinafter mentioned, and the money raised by such sale, after defraying the expenses thereof, shall be held by the Receiver 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.

In cases where any person is entitled to unclaimed wreck, Receiver to give notice to him

17. In cases where any Admiral, Vice-Admiral, or other person is entitled for his own use to unclaimed wreck found on any place situated within Anguilla, such Admiral, Vice-Admiral, or other person shall deliver to the Receiver a statement containing the particulars of his title and the address to which notices are to be sent; and upon such statement being so delivered, and proof made to the satisfaction of the Receiver of the validity of such title, it shall be his duty, whenever he takes possession of any wreck found at any such place, to send, within 48 hours thereafter, a description of the same, and of any marks by which it is distinguished, directed to such address as aforesaid.

Payments to be made to Receiver

18. There shall be paid to the Receiver appointed under this Act the expenses properly incurred by him in the performance of his duties, and also, in respect of the several matters specified in the Schedule, such fees, not exceeding the amounts therein mentioned, as may from time to time be directed by the Governor; and the Receiver shall have the same lien, and be entitled to the same remedies, for the recovery of such expenses and fees as a salvor has, or is entitled to, in respect of salvage due to him, but, save as aforesaid, no Receiver appointed under this Act shall, as such, be entitled to any remuneration whatsoever.

Disputes as to sums payable to Receiver

19. Whenever any dispute arises in any part of Anguilla as to the amount payable to the Receiver in respect of expenses or fees, such dispute shall be determined by the Governor, whose decision shall be final.

Receiver may appoint a valuer in salvage cases

20. Whenever any salvage question arises, the Receiver of Wreck may, upon application from 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, give a copy of the valuation to both parties; and any copy of such valuation purporting to be signed by the valuer, and to be attested by the Receiver, shall be received in evidence in any subsequent proceeding; and there shall be paid in respect of such valuation, by the party applying for the same, such fee as the Governor may direct.

To whom salvage payable in case of dispute as to apportionment

21. Whenever the aggregate amount of salvage payable in respect of salvage services rendered in Anguilla has been finally ascertained, either by agreement or by the award of the Magistrate, but a dispute arises as to the apportionment thereof amongst several claimants, then, if the amount does not exceed $240, it shall be lawful for the party liable to pay the amount so due to apply to the Receiver for liberty to pay the amount so ascertained to him; and he shall, if he thinks fit, receive the same accordingly, and grant a certificate under his hand stating the fact of such payment and the services in respect of which it is made; and such certificate shall be a full discharge and indemnity to the person or persons to whom it is given, and to 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 $240, it shall be apportioned in the manner hereinafter mentioned.

Apportionment of salvage

22. Upon the receipt of any such amount as aforesaid, the Receiver shall, with all convenient speed, proceed to distribute the same among the several persons entitled thereto, upon such evidence and in such shares and proportions as he thinks fit, with power to retain any money that may appear to him 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 money so distributed.

Manner of enforcing payment of salvage

23. Whenever any salvage is due to any person, the Receiver shall act as follows, that is to say—

(a) if the same is due in respect of services rendered in assisting any ship or boat, or in saving the lives of persons belonging to the same, or the cargo or apparel thereof, he shall detain such ship or boat, and the cargo and apparel belonging thereto, until payment is made or process has been issued by some competent Court for the detention of such ship, boat, cargo, or apparel;

(b) if the same is due in respect of the saving of any wreck, and such wreck is not sold as unclaimed in pursuance of the provisions hereinafter contained, he shall detain such wreck until payment is made or process has been issued in manner aforesaid;

but it shall be lawful for the Receiver, if, at any time previously to the issue of such process, security is given to his satisfaction for the amount of salvage due, to release from his custody any ship, boat, cargo, apparel, or wreck so detained by him as aforesaid; and in cases where the claim for salvage exceeds $240, it shall be lawful for the High Court, as a Colonial Court of Admiralty, to determine any question that may arise concerning the amount of the security to be given, or the sufficiency of the sureties; and in all cases where bond or other security is given to the Receiver for an amount exceeding $240, it shall be lawful for the salvor or the owner of the property salved, or their respective agents, to institute proceedings in such last-mentioned Court for the purpose of having the questions arising between them adjudicated upon, and the Court may enforce payment of the bond or other security in the same manner as if bail had been given in the Court.

Power of Receiver to sell property salved in cases of non-payment

24. Whenever any ship, boat, cargo, apparel, or wreck is detained by the Receiver for non-payment of any sums so due as aforesaid, and the parties liable to pay the same are aware of such detention, then, in the following cases, that is to say—

(a) in cases where the amount is not disputed, and payment thereof is not made within 20 days after the same has become due;

(b) in cases where the amount is disputed, but no appeal lies from the first tribunal to which the dispute is referred, and payment thereof is not made within 20 days after the decision of such first tribunal;

(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 thereof is not made within such 20 days as last aforesaid, or a monition is not taken out within such 20 days, or such other proceedings as are, according to the practice of such other tribunal, necessary for the prosecution of an appeal are not instituted within such 20 days;

the Receiver may forthwith sell such ship, boat, 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 of money due in respect of expenses, fees and salvage, paying the surplus, if any, to the owners of the property sold, or other the parties entitled to receive the same.

Subject to payment of expenses, fees, and salvage, owner entitled to wreck

25. Subject to the payment of such expenses, fees and salvage as aforesaid, the owner of any wreck who establishes his claim thereto, to the satisfaction of the Receiver, within 1 year from the date at which such wreck has come into the possession of the Receiver, shall be entitled to have the same delivered up to him.

Receiver to deliver up possession of unclaimed wreck to person entitled

26. In the event of no owner establishing a claim to wreck found in any place in Anguilla before the expiration of a year from the date at which the same has come into the possession of the Receiver, then if any Admiral, Vice-Admiral, or other person as aforesaid has given notice to, and has proved to the satisfaction of, the Receiver that he is entitled to wreck found at such place, the Receiver shall, upon payment of all expenses, fees, and salvage due in respect of such wreck, deliver up possession thereof to such Admiral, Vice-Admiral, or other person; and in case of dispute as to the amount of the sums so payable, and also in case of default being made in payment thereof, such dispute shall be determined and payment enforced in the manner in which such amount and payment may be determined and enforced in cases where any owner establishes his claim to wreck.

Delivery of wreck by Receiver not to prejudice title

27. Upon delivery of wreck, or of the proceeds of wreck, by any Receiver to any person in pursuance of the provisions of this Act, such 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, nor shall any such delivery prejudice or affect any question concerning the title to the soil on which the wreck may have been found.

Unclaimed wreck to be sold

28. If no owner establishes his claim to wreck found at any place before the expiration of such period of a year as aforesaid, and if no Admiral, Vice-Admiral, or person other than Her Majesty, Her Heirs and Successors, is proved to be entitled to such wreck, the Receiver shall forthwith sell the same; and after payment of all expenses attending such sale, and deducting therefrom his fees and all expenses, if any, incurred by him, and paying to the salvors such amount of salvage as the Governor may, in each case or by any general rule, determine, pay the same into a deposit account in such

manner as the Governor in Council shall direct, to be further dealt with according to law as the Governor shall by his warrant direct.

(Act 7/2010, s.26)

Application of fees

29. All fees received by the Receiver appointed under this Act in respect of any services performed by him as Receiver shall be paid to him for his own use.

Receiver of Wreck to give security

30. The Receiver of Wreck appointed under this Act shall give such sufficient security to Her Majesty for the due and faithful performance of his duties as the Governor in Council shall decide.

Recovery of penalties

31. All penalties under this Act may be recovered in a summary manner before the Magistrate.

Citation

32. This Act may be cited as the Receivers of Wreck Act, Revised Statutes of Anguilla, Chapter R15.

———————

SCHEDULE

(Sections 3 and 18)

FEES AND REMUNERATION OF RECEIVER

	$
For every examination on oath instituted by the Receiver with respect to any ship or boat which may be, or may have been, in distress, a fee not exceeding	4.80
But so that in no case shall a larger fee than $9.60 be charged for examinations taken in respect of the same ship and the same occurrence, whatever may be the number of the deponents.	
For every report required to be sent by the Receiver to the Secretary of the Committee for managing the affairs of Lloyd's in London, the sum of	2.40
For wreck taken by the Receiver into his custody, a percentage of 5% upon the value thereof, but so that in no case shall the whole amount of percentage exceed $96.00.	

In cases where any services are rendered by the Receiver, in respect of any ship or boat in distress, not being wreck, or in respect of the cargo or other articles belonging thereto, the following fees, instead of a percentage, that is to say—

If such ship or boat with her cargo equals or exceeds in value $2,880.00, the sum of $9.60 for the first, and the sum of $4.80 for every subsequent day during which the Receiver is employed on such service; but if such ship or boat, with her cargo, is less in value than $2,880.00, one moiety of the above-mentioned sum.

———————