

57. United Kingdom

- (a) MERCHANT SHIPPING ACT, 25 AUGUST 1894. 57 & 58 VICTORIA C. 60; "THE STATUTES" (3RD REVISED EDITION, 1950), VOL. 12, PP. 710, 948-950.

Section 684. For the purpose of giving jurisdiction under this Act, every offence shall be deemed to have been committed and every cause of complaint to have arisen either in the place in which the same actually was committed or arose, or in any place in which the offender or person complained against may be.

Section 685. (1) Where any district within which any court, justice of the peace, or other magistrate, has jurisdiction either under this Act or under any other Act or at common law for any purpose whatever is situated on the coast of any sea, or abutting on or projecting into any bay, channel, lake, river, or other navigable water, every such court, justice, or magistrate shall have jurisdiction over any vessel being on, or lying or passing off, that coast, or being in or near that bay, channel, lake, river, or navigable water, and over all persons on board that vessel or for the time being belonging thereto, in the same manner as if the vessel or persons were within the limits of the original jurisdiction of the court, justice, or magistrate.

(2) The jurisdiction under this section shall be in addition to and not in derogation of any jurisdiction or power of a court under the Summary Jurisdiction Acts.

Section 686. (1) Where any person, being a British subject, is charged with having committed any offence on board any British ship on the high seas or in any foreign port or harbour or on board any foreign ship to which he does not belong, or, not being a British subject, is charged with having committed any offence on board any British ship on the high seas, and that person is found within the jurisdiction of any court in Her Majesty's dominions, which would have had cognizance of the offence if it had been committed on board a British ship within the limits of its ordinary jurisdiction, that court shall have jurisdiction to try the offence as if it had been so committed.

(2) Nothing in this section shall affect the Admiralty Offences (Colonial) Act, 1849.

Section 687. All offences against property or person committed in or at any place either ashore or afloat out of Her Majesty's dominions by any master, seaman, or apprentice who at the time when the offence is committed is, or within three months previously has been, employed in any British ship shall be deemed to be offences of the same nature respectively, and be liable to the same punishments respectively, and be inquired of, heard, tried, determined, and adjudged in the same manner and by the same courts and in the same places as if those offences had been committed within the jurisdiction of the Admiralty of England; and the costs and expenses of the prosecution of any such offence may be directed to be paid as in the case of costs and expenses of prosecutions for offences committed within the jurisdiction of the Admiralty of England.

Section 688. (1) Whenever any injury has in any part of the world been caused to any property belonging to Her Majesty or to any of Her Majesty's subjects by any foreign ship, and at any time thereafter that ship is found in any port or river of the United Kingdom or within three miles of the coast thereof, a judge of any court of record in the United Kingdom (and in Scotland the Court of Session and also the sheriff of the county within whose jurisdiction the ship may be) may, upon its being shown to him by any person applying summarily that the injury was probably caused by the misconduct or want of skill of the master or mariners of the ship, issue an order directed to any officer of customs or other officer named by the judge, court, or sheriff, requiring him to detain the ship until such time as the owner, master, or consignee thereof has made satisfaction in respect of the injury, or has given security, to be approved by the judge, court, or sheriff, to abide the event of any action, suit, or other legal proceeding that may be instituted in respect of the injury, and to pay all costs and damages that may be awarded thereon; and any officer of customs or other officer to whom the order is directed shall detain the ship accordingly.

(2) Where it appears that, before an application can be made under this section, the ship in respect of which the application is to be made will have departed from the limits of the United Kingdom or three miles from the coast thereof, the ship may be detained for such time as will allow the application to be made, and the result thereof to be communicated to the officer detaining the ship, and that officer shall not be liable for any costs or damages in respect of the detention unless the same is proved to have been made without reasonable grounds.

(3) In any legal proceeding in relation to any such injury aforesaid, the person giving security shall be made defendant or defender, and shall be stated to be the owner of the ship that has occasioned the damage; and the production of the order of the judge, court, or sheriff made in relation to the security shall be conclusive evidence of the liability of the defendant or defender to the proceeding.

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Note. Section 220 of the Merchant Shipping Act provides that

“If a master, seaman, or apprentice belonging to a British ship, by wilful breach of duty or by neglect of duty or by reason of drunkenness,—

“(a) Does any act tending to the immediate loss, destruction, or serious damage of the ship, or tending immediately to endanger the life or limb of a person belonging to or on board the ship; or

“(b) Refuses or omits to do any lawful act proper and requisite to be done by him for preserving the ship from immediate loss, destruction, or serious damage, or for preserving any person belonging to or on board the ship from immediate danger to life or limb,

“He shall in respect of each offence be guilty of misdemeanour.” *The Statutes* (3rd revised edition, 1950) vol. 12, p. 788.

Section 419 contains the following provisions as to collisions at sea:

“(1) All owners and masters of ships shall obey the collision regulations, and shall not carry or exhibit any other lights, or use any other fog signals, than such as are required by those regulations.

“(2) If an infringement of the collision regulations is caused by the wilful default of the master or owner of the ship, that master or owner shall, in respect of each offence, be guilty of a misdemeanour.

“(3) If any damage to person or property arises from the non-observance by any ship of any of the collision regulations, the damage shall be deemed to have been occasioned by the wilful default of the person in charge of the deck of the ship at the time, unless it is shown to the satisfaction of the court that the circumstances of the case made a departure from the regulation necessary” *The Statutes* (3rd revised edition, 1950), vol. 12, p. 87.

(b) CIVIL AVIATION ACT, 24 NOVEMBER 1949. 12 & 13 GEORGE 6, c. 67; “PUBLIC GENERAL ACTS AND MEASURES”, 1949, VOL. 2, PP. 984, 1043.

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Section 60. Any offence under any enactment to which this Part of this Act applies or under an Order in Council or regulation made under either any such enactment or this Part of this Act shall, for the purpose of conferring jurisdiction, be deemed to have been committed in any place where the offender may for the time being be.

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Section 62. (1) Any offence whatever committed on a British aircraft shall, for the purpose of conferring jurisdiction, be deemed to have been committed in any place where the offender may for the time being be.

(2) His Majesty may, by Order in Council, make provision as to the courts in which proceedings may be taken for enforcing any claim in respect of aircraft, and in particular may provide for conferring jurisdiction in any such proceedings on any court exercising Admiralty jurisdiction and for applying to such proceedings any rules of practice or procedure applicable to proceedings in Admiralty.

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Note. Similar provisions were contained in section 14 of the Air Navigation Act of 23 December 1920. 10 & 11 George 5, c. 80; *The Statutes* (3rd revised edition, 1950), vol. 16, p. 595.

Section 11 of the Civil Aviation Act of 1949 provides that “where an aircraft is flown in such a manner as to be the cause of unnecessary danger to any person or property on land or water, the pilot or the person in charge of the aircraft, and also the owner thereof unless he proves to the satisfaction of the court that the aircraft was so flown without his actual fault or privity, shall be liable on summary conviction to a fine not exceeding two hundred pounds or to imprisonment for a term not exceeding six months or to both.” *Public General Acts and Measures*, 1949, vol. 2, p. 994.

(c) MALTA: CRIMINAL CODE, 10 JUNE 1854, AS AMENDED. “THE REVISED EDITION OF THE LAWS OF MALTA” (1942), VOL. I, C. 12, PP. 21, 29-30, 115.

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Section 5. A criminal action may be prosecuted in the Island of Malta and its Dependencies, according to the laws thereof:

(a) Against any person who commits an offence in the Island of Malta or its Dependencies, or on the sea in any place within the territorial jurisdiction of the Island of Malta and its Dependencies;

(b) Against any natural-born or naturalized Maltese who commits an offence on the sea beyond such limits, on board any ship or vessel belonging to the Island of Malta and its Dependencies;

(c) Against any natural-born or naturalized Maltese who, in any other country, shall have become guilty of an offence against the safety of the Government or of the offence mentioned in section 131, or of forgery of any of the Government debentures referred to in section 174, or of any of the documents referred to in section 175, or of the offence mentioned in section 203 of this Code, or of any other offence against the person of a subject of His Majesty, provided he shall not have been tried for the same offence out of the Island of Malta and its Dependencies;

(d) Against any person who, being in these Islands, shall be a principal or an accomplice in any of the crimes referred to in section 312, although the crime shall have been committed outside these Islands:

Provided that no criminal action shall, in any case, be prosecuted against the Governor or Officer Administering the Government for the time being, the Bishop of Malta or the Bishop of Gozo.

Section 384. (1) The jurisdiction as between the Courts of Judicial Police shall be determined:

(a) By the place where the offence has been committed; or

(b) If there is only one accused person or if, there being two or more accused persons, they all reside in Malta, or all reside in Gozo or Comino, by the place of his or their residence.

(2) If a person is charged with two or more offences committed in different Islands, such person shall be tried by the Court within the territorial jurisdiction of which the graver offence or, if the offences are of equal gravity, the greater number of offences has been committed.

(3) If the place where the offence was committed is unknown and the accused is one, or the accused are two or more, residing, however, within the limits of the jurisdiction of the same Court, the jurisdiction shall be solely determined by the place of his or their residence; or if the persons accused reside in different Islands, the jurisdiction as between the Courts shall be determined by the place of residence of the majority of the persons accused; or if the number of the accused residing in Malta and the number of the accused residing in Gozo or Comino be the same, either Court shall be competent to try all the accused.

Note. The sections mentioned in section 5 deal with the following subjects: section 131—disclosing official secrets; section 203—bigamy; section 312—commercial or industrial fraud.

58. United States

(a) UNITED STATES CODE, TITLE 18 (CRIMES AND CRIMINAL PROCEDURE), AS REVISED BY ACT OF 25 JUNE 1948 AND LATER ACTS. "U.S. STATUTES AT LARGE". VOL. 62, P. 683; "U.S. CODE ANNOTATED, TITLE 18" (1950 ED.), P. 3.

§ 7. *Special maritime and territorial jurisdiction of the United States defined*

The term "special maritime and territorial jurisdiction of the United States", as used in this title, includes: