

Receiver of Wreck Manual

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**Customs Procedures Branch
Nenagh**

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This manual provides a guide to the role and duties of Receiver of Wreck and should be read in conjunction with the relevant regulations.

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1. Introduction

1.1 General

A Receiver of Wreck is a Revenue Official appointed by the Minister for Transport with the consent of the Revenue Commissioners whose duty is to deal with any wreck found in or on the shores of the sea or any tidal water or harbour. This Manual is principally a guide to the role and duties of the Receiver of Wreck. It also contains general background information on procedures for appointment which should be noted by Regional and District Management.

1.2 Legislation

The legal provisions relating to the appointment and functions of Receiver of Wreck (the Receiver) are contained in the Merchant Shipping (Salvage And Wreck Act) 1993 (The Principal Act), which amends and extends the Merchant Shipping Acts 1894 to 1992 and may be cited together with them as the Merchant Shipping Acts 1894 to 1993. **The Principal Act gives effect in Irish Law to the Salvage Convention done at London in 1989. A copy of the Principal Act may be accessed at [Merchant Shipping \(Salvage and Wreck\) Act, 1993](#).**

In addition, the National Monuments (Amendment) Act 1987 (Section 3) provides for the protection of sites of historic wrecks and the National Monuments (Amendment) Act 1994 provides for the protection and preservation of archaeological objects. These Acts may be accessed at [National Monuments \(Amendment\) Act, 1987](#) & [National Monuments \(Amendment\) Act, 1994](#).

1.3 Definitions (Section 2, Principal Act)

“Wreck” means a vessel, or part of a vessel, lying wrecked on, in or under the sea-bed or on, in land covered by water, and any objects that were formerly contained in or on a vessel and are lying on, in or under the sea-bed or on, in land covered by water.

Wreck includes “jetsam, flotsam, lagan and derelict found in or on the shores of the sea or any tidal water or harbour”.

“Jetsam” means goods cast overboard in order to lighten a vessel which is in danger of being sunk, notwithstanding that afterwards it perishes.

“Flotsam” means goods lost from a ship which has sunk or otherwise perished which are recoverable by reason of their remaining afloat.

“Lagan” means goods cast overboard from a ship which afterwards perishes, buoyed so as to render them recoverable.

“Derelict” means property whether vessel or cargo, which has been abandoned and deserted at sea by those who were in charge of it without any hope of recovering it however, temporary desertion does not render a vessel derelict.

Most wreck which is reported to the Receiver falls under the heading of Derelict or occasionally Flotsam.

“**restricted area**” means an area designated in an Underwater Heritage Order.

“**sea**” includes any area submerged at high water of ordinary spring tides, an estuary or an arm of the sea and the tidal waters of any channel creek, bay or river and “**sea-bed**” shall be construed accordingly.

“**territorial waters of the State**” means the territorial seas of the State for the purposes of the Maritime Jurisdiction Act 1959 and the internal waters of the State for the purposes of that Act.

“**tidal water**” means any part of the sea and any part of a river within the ebb and flow of the tide at ordinary spring tides and not being a harbour.

1.4 Not classified as wreck

- (i) Boats which have come off their moorings are not classified as wreck, as they have not been abandoned without hope of recovery; and
- (ii) Buoys (i.e. marker buoys, mooring buoys etc) other than those which form part of fishing equipment, are not classified as wreck.

1.5 Obligation to report wreck

Any wreck material found in Irish territorial waters up to the twelve mile limit or outside Ireland and brought within Irish Territorial waters, **must by law be reported** to the Receiver of Wreck.

The Receiver deals with wreck which comes from tidal waters only. All wreck material however small or apparently insignificant it may appear, must be reported to the Receiver who will decide if it is an important find. Examples of what may be reported include portholes bells, plates, compasses, fixtures and fittings, bundles of wood, hatch covers, historical and archaeological material such as mediaeval pots, gold coins, cannon etc.

1.6 Role of Department of Transport (Section 40 Principal Act)

The Department of Transport has general responsibility throughout the State for all matters relating to every wrecked or stranded vessel or other wreck. It also has responsibility for all policy issues relating to the functions of the Receiver.

1.7 Appointments (Section 41 Principal Act)

Under Section 41 of the Principal Act, appointments of Customs officers as Receivers of Wreck are made by the Minister for Transport with the consent of the Revenue Commissioners. ([see Appendix III for current list](#)) [Any other officers holding a preliminary inquiry or carrying out examination of vessels in distress must be specifically authorised by the Minister for Transport. An appointment will remain in force as long as the officer remains at the stated station or until the Minister for Transport sees fit to revoke this appointment.]

All applications for such appointments should be submitted to Customs Procedures Branch, Nenagh, Co. Tipperary.

1.8 Application procedure

Nominations for appointment as Receiver of Wreck should be submitted in writing by A.P. or higher to Customs Procedures Branch giving the following details of the nominated officer:

- (i) name;
- (ii) grade;
- (iii) PPS number;
- (iv) telephone number;
- (v) official address; and
- (vi) the outer limits of the stretch of coastline that (s)he will be responsible for.

Following receipt and examination of the application, Customs Procedures Branch will forward it to O.P.E.D. who deal directly with the Department of Transport regarding all appointments. The Department issues a “Warrant of Appointment as Receiver of Wreck” to the Revenue Official concerned. This Warrant should be kept securely by the Official concerned.

1.9 Responsibilities of District/Regional Management

Local managers in the Regions with responsibility for Receivers of Wreck should ensure that in any case where a Receiver:

- (i) retires; or
- (ii) transfers from their location; or
- (iii) transfers to other duties within their location

a nomination for a new appointment as Receiver is submitted to Customs Procedures Branch immediately.

As regards coverage within a Revenue Region/District, local managers must ensure that all coastline is covered. In order to ensure this they may wish to nominate:

- (i) one or more Officers to be authorised to act as Receiver for the entire stretch of coastline involved; and
- (ii) a number of Officers to cover particular stretches of the coastline involved

in order to ensure that there is availability of authorised Receivers at all times. Managers should be aware of the fact that the coastline, for the purpose of Receiver of Wreck, is not divided strictly to the limits of Regions. Sections of coastline can and do fall within two Regions. ([see Appendix III for current list](#))

1.10 Persons not allowed to be Receiver of Wreck

No person will be appointed as Receiver, or allowed to retain that Office: –

- (i) who is concerned directly or indirectly in the purchase or sale of wrecked goods or articles, or

of ships or boats, ships tackle, apparel, or furniture, or other marine stores;

- (ii) who is concerned directly or indirectly in the building or repairs of ships or boats;
- (iii) who is a Consul or Vice-Consul for any Foreign State; or
- (iv) who acts or claims to act in respect of any wrecked ship or other property as Agent for any person having or claiming any interest in the wrecked ship i.e. an Owner, a Shipper, a Consignee, an Insurer or a Salvor.

1.11 Districts of Receivers of Wreck

The limits of the Districts of Receivers are specified in their appointments. ([see Appendix III for current list](#))

1.12 Indemnification of Receivers of Wreck (Section 42, Principal Act)

The Minister for Transport shall indemnify each Receiver against any actions, expenses, costs, claims, demands and other liabilities in respect of any action by or omission or negligence on the part of the Receiver.

1.13 Security

In various sections of this Manual there is reference to Security. For the purposes of this Manual, security is normally in the form of a bond. It is an irrevocable guarantee of all costs incurred by the authorities. It must be drawn on a Bank or other Financial Institution and must be unconditional and payable on first demand.

2. Fees

2.1 General Provisions

Fees, prescribed by the Minister for Transport, are paid to each Receiver. A Receiver will be paid such fees in the discharge of his functions as a Receiver of Wreck as the Minister for Transport together with the Minister for Finance may direct.

A Receiver will not be entitled to any other payment in carrying out his duties other than those stated and (s)he will have the same rights in respect of the recovery of expenses or fees as a salvor has in respect of salvage due to him.

Any disputes that arise as to the amount of fees or expenses payable to a Receiver, will be determined by the Minister for Transport whose decision shall be final.

2.2 Current Fee Chargeable

The fees currently chargeable for functions carried out by the Receiver are listed in S.I. No. 475 of 1998 Merchant Shipping (Fees) Order 1998 (Third Schedule).

This S.I. may be accessed at [S.I. No. 475/1998: Merchant Shipping \(Fees\) Order, 1998](#) (Third Schedule).

- (i) a fee of €7.62 will be paid to the Receiver for every report sent by him to the Secretary of Lloyds in London;
- (ii) a fee of 7.5% of the value of the wreck will be paid to the Receiver for wreck taken into custody by him;
- (iii) in cases in which any services are rendered by a Receiver in respect of any ship in distress, not being a wreck or in respect of the cargo or articles belonging to the ship, €72.38 for each day during which the Receiver is employed on that service; and
- (iv) in addition to the above mentioned fees the expenses incurred in a particular case by a Receiver will be payable.

As Receivers of Wreck are paid Revenue Officials they are not entitled to retain any fees or expenses payable by virtue of their carrying out their responsibilities in that regard. Accordingly, fees and expenses received are to be brought to account as Receipts other than Duties (R.O.D.). Where officers incur travelling and/or subsistence expenses in the carrying out of their duties as Receiver, normal rules apply.

3. Role of Receiver of Wreck

3.1 Duties of Receiver of Wreck

Upon notification that a wreck has been found the Receiver must attend at the site of the wreck. The duties of the Receiver are to:

- (i) give legal owners the opportunity of recovering their property and to ensure that the salvage reward is paid to the legal salvor when due;
- (ii) ensure the safe custody, protection and preservation of wrecked property;
- (iii) obtain information in respect of wrecks;
- (iv) settle salvage claims;
- (v) protect duties and taxes;
- (vi) protect duties and taxes arising from unclaimed wreck; and
- (vii) assist in cases of wreck or casualty including the preservation of life and property and the prevention of disputes and differences between the parties.

The Receiver processes incoming reports of wreck in the interest of both owner and salvor. This involves researching ownership, liaising with finder and owner and interested parties such as the National Museum and Government Departments.

3.2 Receiver of Wreck to assist in settling claims

The Receiver has important duties to perform in endeavouring to settle salvage claims amicably in:

- (i) providing for the payment of what may be due by detaining the property saved;
- (ii) releasing the property on proper security being given;
- (iii) selling the property when necessary, to satisfy the claims of salvors; and
- (iv) apportioning money paid in satisfaction of such claims.

4. Reporting formalities

4.1 Report Book to be kept

The Receiver will also in every case in which he takes possession or custody of any goods or articles of any kind, whether Wreck or otherwise enter the same in his Report Book Wr. 10 (see [Appendix IV](#)).

4.2 Notice of Wreck to be given by the Receiver of Wreck (Section 45, Principal Act)

When a report has been received, the Receiver must within 72 hours of taking possession of a wreck:

- (i) have a notice posted ([see Appendix II](#)), describing the wreck and any marks which distinguish it at the appropriate Revenue Office and Garda Station, which are nearest the place where the wreck was found. If there is more than one Office in the District, the notice should be placed where the Receiver considers to be most appropriate in the circumstances;
- (ii) send a similar notice to the Director of the National Museum of Ireland, Kildare Street, Dublin 2; and
- (iii) if, in the opinion of the Receiver, the value of the wreck exceeds €25,395 a report should be sent to the Secretary of the Committee of Lloyds of London, 1 Lime Street, London, EC3M 7HA, United Kingdom, using the form in [Appendix II](#).

4.3 Statement relating to a Shipping Casualty

Whenever a shipping casualty (e.g. Collision, Foundering, Missing, Fire, etc.) is reported to the Receiver he should contact The Marine Surveyors Office, Department of Transport, Leeson Lane, Dublin 2 and follow up with details on form Wr. 1 (see [Appendix IV](#)). A Surveyor is normally sent by that Department to carry out a report on the casualty. The Receiver should note this in the Report Book.

However, the Department of Transport may request the Receiver to carry out the report. In this instance sworn statements are taken on form Wr. 2 (Examination on Oath-Instituted by the Receiver of Wreck) – see [Appendix IV](#). A certified copy of Form Wr.1 and the statements taken on Form Wr.2 should be forwarded to Lloyds of London, for which the appropriate fees should be charged.

5. Custody of Wreck

5.1 Safe deposit of Wreck & Reports

As soon as any wreck is reported and brought to the Receiver or otherwise taken possession of by him, he should be careful to deposit it in some place of safe and proper custody avoiding all unnecessary expense.

He should also record an accurate description of it and any marks thereon in his Report Book, and complete form Wr. 5, 7 & 11 (Report of wreck taken into possession) – see [Appendix IV](#). This report should be sent to Department of Transport, Mercantile Marine Office, Leeson Lane, Dublin 2 on any day on which an entry is made. (See also section 4, [Reporting formalities](#)).

5.2 Custody of Articles or Cargo from wrecked property

If any person finds or takes possession of any wreck in the State or finds and takes possession of any wreck outside the State and brings it into the State that person shall, pursuant to section 44 of the Principal Act:

- (i) if they are the owner of the wreck, give notice to the Receiver stating that they have found or taken possession of it and describe the marks that distinguish it; or
- (ii) if they are not the owner of the wreck, as soon as possible deliver it to the Receiver.

The object of this Provision is to:

- (i) secure the property;
- (ii) prevent stealing;
- (iii) provide for the just payment of salvage claims; and
- (iv) restore property to the owners

If it is necessary to detain the property the Receiver will do so and deposit it in some safe place, taking care to avoid all unnecessary expense.

5.3 Wreck need not in certain cases be taken into custody of the Receiver of Wreck

If articles falling within the definition of wreck are proved to the satisfaction of the Receiver to belong to parties who or whose agents, are on the spot to receive them when they are brought or washed ashore, and there is no question as to salvage or duties which calls for the intervention of the Receiver, he should allow the persons who have found the Wreck to deliver it to the owners or their agents at once without demanding any fee.

5.4 Wreck or proceeds to be retained for one year, except in certain cases

The Receiver should never part with or give up possession of the wreck or of the proceeds of the sale within one year from the time the wreck came into the receiver's possession unless:

- (i) an owner or agent establishes his right to possession and identifies the property to the Receiver's satisfaction; or

- (ii) the Receiver is given a written direction (by a Department of Transport official or the Admiralty Court) to give up possession to the owner or underwriters or their agent.

5.5 Proof of ownership, etc. to be completed as soon as possible

The Receiver should always point out to owners and underwriters that, with a view to keeping down expenses, it is in their interest to identify their property, to lodge security and to complete their proofs of ownership at an early date.

5.6 Claims of Owners of Wreck (Section 46, Principal Act)

When a person establishes a claim to ownership of a wreck to the satisfaction of the Receiver within one year from the time when the wreck came into the Receiver's possession, then that person having paid the salvage, fees and expenses due, will be entitled to have possession of the wreck or of the proceeds of sale of the wreck.

Where any foreign wreck is found in the State or is brought into any harbour in the State, a diplomatic agent of the foreign State or any consular officer of that State authorised in that behalf by any treaty arrangement with that State, where:

- (i) the wreck is a vessel or part of a vessel, or the vessel was at the relevant time registered; or
- (ii) in the case of any other wreck, the owners of such wreck resided,

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 regarding custody and disposal of such foreign wreck.

5.7 Suspected claim to ownership

If any person claims to retain wreck as owner and the Receiver has any doubts as to his title he should be requested to complete form Wr. 24-25 (Claim to wreck or other property) – see [Appendix IV](#) and must prove ownership to the satisfaction of the Receiver. The possession of the wreck by an agent duly appointed by the owner should be treated as equivalent to possession of the wreck by the owner.

In no case, should persons claiming to be agents of owners, masters or underwriter's be permitted to interfere with or to take possession of property in the Receiver's custody under the provisions of the Merchant Shipping Acts 1894 to 1993, unless and until satisfactory evidence of ownership and of the authority of the person claiming to interfere, has been produced.

5.8 Property delivered into Receiver's custody which is proved not to be wreck

If property is brought to the Receiver which prima facie does not appear to be "wreck" within the meaning of the Act he should refuse to take it into his custody. If property taken into his custody as wreck is verified by the claimant not to be wreck, no commission should be charged on restoring it but an account of actual expenses necessarily incurred in recovering and protecting it should be

handed to the owners with a request for payment. If the owner refuses to make the payment the Receiver need not detain the property, but should report the particulars of the case to the Department of Transport.

5.9 Limitations on power of Receiver of Wreck

If the master of the vessel is in possession, or is able to keep custody of the property or if the owner or any duly appointed agent of the owner or master can take and keep custody of the property and if there are no dutiable articles and if all salvage claims are paid or provided for by proper security the Receiver is not to take possession of or detain the property. He will however offer his services explaining his position, office and will give any assistance which the master, owner or agent may require. The presence of Lloyds agents or the owners being able to take charge of their property does not relieve the Receiver from attending at the scene of wreck and doing all in his power to prevent any attempt at stealing.

5.10 Receiver to take possession of sunken and abandoned vessels

In cases where vessels are sunk off the coast below low water mark and afterwards abandoned by the owners, the Receiver of Wreck in whose District such vessels are situated should take possession of the same.

In order to take possession it will be sufficient for the Receiver, or his nominee, to proceed in a boat to the spot where the vessel is lying and to drop a lead line over the vessel, declaring at the same time that he takes possession of such vessel in virtue of the powers vested in him by statute.

A record of the transaction should be kept by the Receiver in his Report book and signed by him or his nominee, as the case may be, and the Receiver should at the same time make a report to the Department of Transport.

5.11 Receiver to put a fair construction on Derelict

In claiming the custody of "wreck" the Receiver must take care to put a fair and proper construction on the term "derelict" and, where the property is still in the custody or possession of the master or crew or of persons appointed by the master, he will neither encourage persons improperly claiming possession as salvors nor will he make claims himself to the custody of the property as wreck.

5.12 Immediate sale of wreck by Receiver in certain cases (Section 47, Principal Act)

Any wreck in the possession of a Receiver may, with the prior agreement of the Director of the National Museum of Ireland, be sold if, in the Receivers opinion it:

- (i) is under the value of €6349; or
- (ii) is so much damaged or so perishable or volatile in nature that it cannot be kept; or
- (iii) is not of sufficient value to pay for storage.

5.13 Disposal of unclaimed wreck (Section 49, Principal Act)

Where any wreck remains unclaimed within one year after it came into the Receiver's possession, the Receiver is to notify the Director of the National Museum who is to decide within 30 days whether or not the wreck or any part of it is of historical, archaeological or artistic importance and notify the Receiver of his decision.

If the Director decides that the wreck or any part thereof is of historical, archaeological or artistic importance, the Receiver will deliver the wreck or any part thereof to the Director who will retain it on behalf of the State.

5.14 State entitlement to all unclaimed wreck (Section 48, Principal Act)

The State is entitled to all unclaimed wreck and is also deemed to be the owner of that wreck.

5.15 Wreck found in another Receiver's District

If goods which have been found on the shore in the District of one Receiver are reported or delivered to another Receiver, the latter Receiver will at once forward the report to the former Receiver, without paying or providing for salvage or making any charge on his own account.

5.16 Receiver not responsible for property after giving up possession

When a person establishes a claim to ownership and when the Receiver has given up possession (whether or not the salvage is paid, or security by bond or by cash is lodged) he need no longer look after the property. The agents who receive it on behalf of their principal must then be held responsible and any claims they may have must be settled by their principal.

5.17 Claim by Agent

If the person claiming it is an agent, or an owner unknown to the Receiver, he is to complete and declare the form Wr. 24-25 (see [Appendix IV](#)) according to the directions on the form and deliver it to the Receiver. The Receiver must in all cases be careful that the proper documents are produced in support of the claim before delivering up possession of the property.

5.18 Whole of property to be taken

Care should be taken that when a claim to wrecked property is admitted the claimant is made to take the whole of what is comprised in his claim, or to pay the expenses of any portion of it which may be left by him in the Receiver's hands as not worth claiming.

For example, if a claimant establishes his claim to a cargo from a wrecked ship, and any portion of the cargo is damaged, he must take the damaged portion with the sound or must pay the expenses of salvaging, watching and disposing of the damaged portion before he is allowed to remove the other portions.

5.19 Claim after expiration of 12 months

If the property is wreck and no claim to it is made within one year after the Receiver obtains possession of it, any subsequent application by or on behalf of the owner must be referred to the Department of Transport.

5.20 Master to be treated as Agent for the owners of both ship and cargo

Where the owner of the ship is responsible for the cargo and the master of the ship has the legal custody thereof (as the agent of the owner) the Receiver will treat the master when present, as the agent of the owners not only of the ship, but also of the cargo, unless it is clearly proven that the owners have ended such agency.

5.21 Humanitarian cargoes (Section 38, Principal Act)

The Provisions of Part 111 of Principal Act are not be used as a basis for the seizure, arrest or detention of humanitarian cargoes donated by the State or another state if the State or such other state, as the case may be, has agreed to pay for salvage services rendered in respect of such humanitarian cargoes.

6. Duties of finder of wreck

- (i) If any person who is not the Receiver of Wreck for the District concerned finds or takes possession of any wreck in the State or outside the State and brings it into the State that person must:
 - (a) if the owner of the wreck, make a report to the Receiver for the District concerned in which the wreck is found or into which the wreck is brought stating that he/she has found or taken possession of it and describing the marks which distinguish it; and
 - (b) if the finder is not the owner of the wreck, deliver it to the Receiver for the District concerned, as soon as possible.
- (ii) Failure to report wreck (even if a person owns the wreck) constitutes an offence and:
 - (a) if that person is not the owner of the wreck he/she forfeits any claim to salvage; and
 - (b) is liable to pay twice the value of the wreck to the owner if it is claimed or, if it is unclaimed, to the Receiver on behalf of the State.
- (iii) If any person conceals or, in the case of a person not being the owner of the wreck keeps possession of any wreck or refuses to deliver the wreck to a Receiver for the District concerned or to any person authorised by a Receiver to demand the same, that person will be guilty of an offence.
- (iv) Any member of the Garda Siochana may take by force and deliver to the Receiver any wreck from the person who refuses to deliver it to the Receiver (see also section 11, [Wreck arrested by Admiralty Court](#)).

6.1 Removal of wreck in certain circumstances (Section 51, Principal Act)

Where any wreck is likely to become an obstruction or danger to navigation or to lifeboats engaged in the lifeboat service or a threat or harm to:

- (i) the marine environment;
- (ii) the health of the public;
- (iii) the marine resources, flora and fauna and their habitats;
- (iv) the tourist attractions of any area concerned; or
- (v) the maritime coastal, port, estuarial, or aquatic activities including fishing and tourist activities;

the owner of the wreck at the time of its sinking, wrecking, stranding, grounding or abandonment shall as soon as possible raise and remove it or otherwise render it harmless.

7. Payments

7.1 Payments by the National Museum (Section 49, Principal Act)

The Director of the National Museum of Ireland will pay:

- (i) the Receiver any expenses incurred by the him/her and his/her fees in relation to the wreck or any part of it; and
- (ii) to the salvors of the wreck or any part of it, an appropriate salvage award.

If the Director decides that the wreck is not of historical, archaeological or artistic importance the Receiver will sell the wreck and pay the proceeds of the sale into the Exchequer after deducting:

- (i) expenses of the sale and any other expenses including fees incurred by the Receiver in relation to the wreck; and
- (ii) appropriate salvage award payable to any salvors.

A wreck which the Director decides is part of historical, archaeological or artistic importance shall not in whole or in part be removed by any person without the approval of the Director.

A person who contravenes the above will be guilty of an offence unless it can be shown the act was done:

- (i) in the course of an action to deal with an emergency of any description; or
- (ii) out of necessity due to stress of weather or navigational hazards.

7.2 Auctioneer should not be employed to sell Wreck

In cases in which Receivers appointed under the Merchant Shipping Acts 1894 to 1993 have to sell Wreck, they should not employ an auctioneer for the purpose. Receivers are allowed to conduct such sales without auction licences.

7.3 Sales to be advertised

Advertisements of the sale of wrecked goods should be inserted in newspapers through the Revenue Press Office in the same way as notices relating to other goods which are for sale by Officers of Customs and Excise. The Receiver should ascertain from the Revenue Press Office the gross cost of the advertisements and ensure that such cost is charged against the proceeds.

7.4 Receiver to fix reserve bidding at sales of wreck

In order to prevent goods from being sold under their value all Receivers are in every case to fix a fair and reasonable sum as a reserve bidding on the part of the State or other party entitled to the proceeds of the sale of unclaimed wreck.

8. Salvage

8.1 Receivers claim for salvage

The Receiver can never be entitled to salvage in respect of wreck. However, in cases of assistance rendered to ships in distress and to the persons on board, the Act does not preclude him from making such a claim but it is clear that he cannot claim salvage for any of the duties imposed on him for which certain fixed fees are to be paid. It can therefore only be in very special cases, where he incurs some risk or undertakes some labour or expense beyond the scope of his duties as Receiver, that he can make any claims to salvage.

No powers that he possesses as Receiver may be used to determine or enforce his own claims to salvage.

8.2 Revenue Officials claims for salvage

Claims to salvage on behalf of Revenue Officials should be submitted in writing to the Receiver setting out the details of the claim. The application should be forwarded by the Receiver to his/her District Manager for adjudication.

8.3 The Receiver of Wreck to assist salvor in claims

Having completed salvage operations the salvaged vessel and other property should not, without consent of the salvor, be removed from the harbour or place at which they first arrived until satisfactory security has been put up for the salvors claim against the relevant vessel or property.

If satisfactory security has not been provided and the salvaged property is in the harbour but not in the salvors possession or control, the Receiver if required by the salvor, will detain the vessel and other property in the harbour until payment is made for salvage or a warrant of arrest has been issued by the High Court.

The Receiver will release any detained property if security is given:

- (i) to the satisfaction of the Receiver. (Security is normally in the form of a bond. It is an irrevocable guarantee of all costs incurred by the authorities. It must be drawn on a Bank or other Financial Institution and must be unconditional and payable on first demand.); and

- (ii) where the claim (exclusive of interest and costs) exceeds €25,395 and any question is raised to the satisfaction of the High Court regarding the adequacy of the security,

and any security given for salvage may be enforced by the High Court in the same manner as if bail had been given in that Court.

Salvage operations which have had a useful result shall give rise to a reward in accordance with Part III of the Principal Act. With certain exceptions, no payment shall be due if the salvage operations did not have a useful result.

A salvor may be deprived of the whole or part of the payment due under Part III of the Principal Act to the extent that salvage operations have become necessary or more difficult because of fault or neglect on the salvors part or if the salvor has been guilty of fraud or other dishonest conduct.

8.4 Payment of Salvage

The Receiver will give careful consideration to services rendered for salvage before suggesting the total value of such services. He will take into consideration:

- (i) the degree of danger from which the lives or property are rescued;
- (ii) the value of the property saved; and
- (iii) the risk incurred by the salvors.

Where the service rendered is one of time and labour only, it cannot be called salvage service and should be paid as labour only. If the service is rendered by a fishing vessel, the value of the fishing lost should be taken into consideration.

As a general rule, the value of the salvage service seldom exceeds one half of the value of the property and, except in highly meritorious cases, the half should be regarded as the maximum.

8.5 Receiver to detain property for payment of salvage and release it on security being given

It will be the Receiver's duty in every case where a salvage claim is disputed, except where the ship is a ship of war or other vessel belonging to a foreign Government, to detain the property saved until the claim is settled or proper security given. Special care should be taken in the case of a foreign vessel to make the detention effective. The application by the salvors to the Receiver to detain the property must be in the form of a written declaration executed before a Commissioner for Oaths and delivered to the Receiver. This declaration must contain sufficient information, as to the description, location and other relevant details of the wreck, to enable the Receiver to positively identify the wreck.

8.6 Receiver may appoint a Valuer in salvage cases

To determine the value, the Receiver has power, whether the wreck is in his custody or not (in which latter case he should first obtain payment of the fee) to employ a Valuer whenever any salvage question arises, if either of the parties applies to him for the purpose. Any Valuer so employed should be licensed.

The valuation, when made, should be signed by the Valuer and kept by the Receiver. The Receiver should make and attest two copies and hand one to the salvors or their agent, and the other to the owners or their agent. These copies may be received in evidence in any subsequent proceedings.

Application to the Receiver to appoint a Valuer should be made in writing, this should contain sufficient information, as to the description, location and other relevant details of the wreck, to enable a valuation to be carried out. The Valuer should be appointed in writing. It should be noted that these valuations are not exempt from Stamp Duty.

In the case of foreign vessels, the apportionment of salvage should be made according to the laws of the country to which the salvaging vessel belongs and in such cases the assistance of the particular Consul or Vice Consul will be useful.

8.7 Property to be delivered to Owners

On actual payment of all sums due or advanced for Customs duties, fees and expenses and upon salvage being either paid or provided for, the Receiver will deliver up all property which comes into his possession or custody (and the proceeds of such parts of it as may have been sold) to the rightful owner or his appointed agent or will dispose of it as he or they may direct. The receipt for the property or for the proceeds is to be taken on form Wr. 24-25 (Claim to wreck or other property) – see [Appendix IV](#).

8.8 Claims of representatives of deceased Master or Crew

If the property belonged to the master or any of the crew of a wrecked ship, and if the person to whom it belonged is dead, the claim of the person entitled to receive the property is to be submitted in a report to the Receiver of Wreck.

8.9 Property belonging to deceased passengers

Receivers should act in accordance with the preceding paragraph in respect of property whether in the nature of personal effects or ordinary luggage not wanted on a voyage, provided that the property is clearly marked with the name of the passenger.

8.10 Property found on dead bodies

Any property found upon dead bodies picked up at sea or washed ashore should not be taken charge of by the Receiver but should be left to be dealt with by the proper authority. Should however such property come into his possession, he should communicate with the local Garda Síochána in order that they may take it over and deal with it, as lost property.

9. Liability and Offences

A person shall be guilty of an offence if in relation to a wrecked or stranded vessel he/she:

- (i) impedes or hinders or attempts to impede or hinder the saving of a wreck;
- (ii) conceals any wreck;
- (iii) obliterates any mark on any wreck;
- (iv) removes any wreck; or
- (v) interferes with any wreck in any way.

A person shall not obstruct or impede an authorised officer, harbour master or Receiver in the due exercise of any of the functions conferred or exercisable by such officer, harbour master or Receiver

under the Principal Act. A person who so obstructs or impedes shall be guilty of an offence and shall be liable:

- (i) on summary conviction, to a fine not exceeding €1270 or to imprisonment for a term not exceeding 12 months, or to both; or
- (ii) on conviction on indictment, to a fine not exceeding €19046 or to imprisonment for a term not exceeding two years, or to both.

9.1 Interfering with wreck (Section 56, Principal Act)

A person who boards or attempts to board any wrecked or stranded vessel without the permission of the master or owner of that vessel shall be guilty of an offence.

Where a person is accused of an offence, it shall be a good defence to prove that the person was acting in any of the following capacities:

- (i) as an authorised officer, an authorised person under section 26 of the Sea Pollution Act 1991, a Receiver, a commissioned officer of the Defence Forces, a member of the Garda Síochána, a Revenue Official, or a harbour master; or
- (ii) a person acting in the place of any of these persons; or
- (iii) acting by or under the command of any person; or
- (iv) any person acting in an emergency situation where the master is not available to give permission to board, for the purpose of either or both;
 - (a) saving the lives of shipwrecked persons; or
 - (b) saving the vessel or any part of its cargo or apparel from destruction provided the saving is not for the purpose of wrongfully carrying away or removing any part of its cargo.

9.2 Passing over adjoining Lands (Section 9, Principal Act)

- (i) whenever a vessel is in distress, any person may for the purpose of rendering assistance to the vessel, saving the lives of the shipwrecked persons or saving the cargo or apparel of the vessel, pass and repass either with or without vehicles, over any adjoining lands, unless there is some public road equally convenient, without being subject to interruption by the owner or occupier, so that as little damage as possible is done and may also deposit on those lands any cargo or other article recovered from the vessel;
- (ii) any damage sustained by an owner or occupier, as a consequence of the exercise of the rights given by Section 9 of the Principal Act will be a charge on the vessel, cargo or articles in respect of or by which damage is occasioned, and the amount payable in respect of the damage shall in the case of dispute, be determined and shall, in default of payment, be recoverable in the same manner as the amount of salvage is determined or recoverable;

- (iii) the owner or occupier of lands shall have no liability in respect of:
 - (a) personal injuries which may be sustained by persons passing or repassing over such lands pursuant to subsection (1); or
 - (b) damage sustained to the vessel in distress, its cargo or any other article recovered therefrom

except where the owner or occupier, or persons duly acting as the servants or agents of the owner or occupier, are maliciously involved in such injuries or damage; and

- (iv) where the owner or occupier of any land:
 - (a) impedes or hinders any person in the exercise of any rights given; or
 - (b) impedes or hinders the deposit of any cargo or other article recovered from the vessel; or
 - (c) prevents or endeavours to prevent any such cargo or other article from remaining deposited on the land for a reasonable time until it can be removed to a safe place of public deposit,that owner or occupier shall be guilty of an offence.

9.3 Search warrant and powers of entry (Section 57, Principal Act)

If a Judge of the District Court is satisfied by information on oath of a member of the Garda Siochana or a Receiver that there is reasonable cause for suspecting that any wrecked or stranded vessel or other wreck is being concealed by or is in the possession of, some person who is not the owner or Receiver of it, or is otherwise being improperly dealt with, the Judge may issue a search warrant under Section 57 of the Principal Act.

A search warrant issued under the above section shall be expressed and operate to authorise a named member of the Garda Siochana or a named Receiver, accompanied by such members of the Garda Siochana and Revenue Officials as the named member or Receiver thinks necessary, at any time or times within one month from the date of issue of the warrant, on production if so requested of the warrant:

- (i) to enter (if necessary by force) the land, premises, vehicle, vessel or aircraft named in the warrant;
- (ii) to search the land, premises, vehicle, vessel or aircraft and any persons found therein; and
- (iii) to examine anything found therein.

9.4 Seizure and Retention of property for use in criminal proceedings (Section 62, Principal Act)

If there is reasonable ground for suspecting that anything:

- (i) may be required as evidence in proceedings for an offence under Section 57 of the Principal Act; or

- (iii) should be in possession of the Receiver for retention or disposal in accordance with the provisions of Section 57 of the Principal Act;

it should be seized and retained.

9.5 Disposal of things seized (Section 61, Principal Act)

Where any thing is seized by a member of the Garda Siochana under the Principal Act the Receiver may apply to a Peace Commissioner for a direction that the thing so seized be delivered to that Receiver for retention or disposal.

Where a direction is given, the Receiver concerned shall give notice of the making of the direction to the owner and such other persons (if any) in such a manner as the Peace Commissioner may direct.

Any person who is aggrieved by a direction may, not later than 7 days after notice of the making of the direction is given, or such longer period as the Peace Commissioner may direct, appeal to a Judge of the District Court against the direction and in determining the appeal the Judge may:

- (i) if satisfied that the direction was properly given and that, having regard to the circumstances of the case, the direction should be confirmed in respect of some or all of the things so seized, confirm the direction to that extent; or
- (ii) if not so satisfied, annul the direction or annul the direction to the extent that the Judge is not so satisfied; or
- (iii) where no appeal has been made within the appropriate period, the direction shall have effect upon the expiration of that period; or
- (iv) where an appeal is taken to the District Court the order shall, if the District Court confirms the direction, have effect to such extent and at such time as the Court determines.

9.6 Provisions as to duties and taxes on goods from wreck, etc.

Without prejudice to the Customs Acts or the statutes which relate to the duties of excise and to the management of those duties, the Revenue Commissioners shall, subject to the provision of such security as they see fit to require, permit:

- (i) all goods saved from any wrecked or stranded vessel on its homeward voyage to be forwarded to the port of original destination; and
- (ii) all goods saved from any wrecked or stranded vessel on its outward voyage to be returned to the port at which they were shipped.

Goods include wares and merchandise.

10. Historic Wrecks and Archaeological Objects.

10.1 Protection of sites of Historic wrecks (Section 3, National Monument (Amendment) Act 1987)

Where the Commissioners of Public Works are satisfied in respect of any place on, in or under the sea-bed of the territorial waters of the State or on, in or under the sea-bed to which Section 2 of the Continental Shelf Act 1968 applies or on or in land covered by water that:

- (i) it may prove to be the site where a wreck or archaeological object lies or formerly lay; and
- (ii) on account of the historical, archaeological or artistic importance of the wreck or the object, the site ought to be protected;

they may by order (referred to as an Underwater Heritage Order) designate an area of the sea-bed, or land covered by water, around and including the site as a restricted area.

In a restricted area a person shall not, tamper with, damage or remove any part of a wreck or any:

- (i) archaeological object; or
- (ii) carry out diving, survey or salvage operations directed to the location, or exploration of a wreck or archaeological object or to recovering it or a part of it from or from under, the sea-bed or from land covered by water, as the case may be, or use equipment constructed or adapted for any purpose of diving, survey or salvage operations; or
- (iii) deposit, so as to fall and lie abandoned on the sea-bed or land covered by water anything which if it were to fall on the site would wholly or partly obliterate the site or obstruct access to it, or damage any part of the wreck.

10.2 Wreck being an archaeological object (National Monuments Amendment) Act 1994

If wreck that is an archaeological object and was removed from a restricted area is in the possession of the Receiver for any District and no person establishes a claim under the Merchant Shipping Acts 1894 to 1993, to the ownership of the wreck within one year after it came into the possession of the said Receiver, he/she will, as the Director of the National Museum of Ireland may request, either:

- (i) deliver the wreck to the Director of the National Museum of Ireland who, as soon as may be after such a delivery, will:
 - (a) retain it on behalf of the State;
 - (b) pay to the Receiver any expenses incurred by him, and his fees, in relation to the wreck; and
 - (c) pay to any salvors of the wreck, such amount of salvage as appears to the Director of the National Museum of Ireland to be reasonable in all the circumstance;

or

- (ii) sell the wreck and pay the proceeds of the sale (after deducting the expenses of the sale and

any other expenses incurred by him, and his fees, in relation to the wreck and paying to any salvors of the wreck such amount of salvage as appears to the Director of the National Museum to be reasonable in all the circumstances) to the Minister for Finance.

11. Wreck arrested by Admiralty Court

When a derelict vessel in the custody of the Receiver, or other wrecked property detained by a Receiver for the payment of salvage is arrested on foot of a warrant issued by the Admiralty Court, the vessel is then in the custody of the officer of the court. (The Admiralty Court is a specific Branch of the Courts Service dealing with shipping matters. That Court has specific rules - for example, where a summons/warrant is served, it must be physically fixed to the mast or some prominent place of the ship.)

If ownership of a wreck is in dispute the case may end up in the Admiralty Court who may issue a warrant for arrest of the wreck while the dispute is settled.

Before giving up possession of the vessel the Receiver should claim any expenses and fees he may have incurred.

Appendix I

Contact details for the Department of Transport.

Mercantile Marine Office (MMO)

www.transport.ie/marine/MaritimeSafetyDirectorate/MMO/

There are two Mercantile Marine Offices in Ireland the main office is located at:

Department of Transport
Room G26
Lesson Lane
Dublin 2

Phone: 01 – 6783481 / 6783482

Fax: 01 – 6783489

E-mail: mmo@transport.ie

and a smaller office located at:

Government Offices
Sullivans Quay
Cork

Phone: 021 – 4968992

E-mail: MarianBreen@transport.ie

Appendix II

Ceantar
District of.....

RAIC I SEILBH AN GHLACADÓRA RAICE.
Wreck in the custody of the Receiver of Wreck.

Dept of Transport Merchant Shipping (Salvage and Wreck) Act 1993

Tuairisc na nEarraí agus Marcanna orthu. Description of Articles and marks on them	An Áit ina bhFuarthas. Where found	An Uair a Fuarthas. When found	An Luach Tuairmithe. Supposed Value	An Áit a bhFuilid Where lying	Nótaí Remarks

Dated this day of 20

Nótaí : Nuair a thóghas Glacadóir Raice seilbh ar aon raic tá de cheangal air a chur faoi ndear, laistigh do n-uaire is seachtó cuntas ar an raic sin agus ar aon mharcanna suaithnidh uirthi a chur suas sa Teach Custaim is cóngaraí. Más dóigh leis gur fiú níos mó ná €25,395 an raic ní mór dó an cuntas céanna a chur go dtí an Rúnaí, Lloyds, Royal Exchange, London.

Note : Where a Receiver of Wreck takes possession of any wreck he must within seventy two hours cause to be posted in the nearest Revenue Office a description of the wreck and of any distinguishing marks on it. If in his opinion the value of the wreck exceeds €25,395 he must send a similar description to the Secretary, Lloyds, Royal Exchange, London.

Appendix III

Current Receivers of Wreck

BORDER MIDLANDS WEST REGION

Co. Donegal

Lough Foyle where Donegal & Derry meet to where the DED of Kinvara & Abbey meet in Galway Bay

Neil Campbell
Tel No. 074 – 9169447

Michael Glynn
Tel No. 074 – 9740124

Co. Sligo

Lough Foyle where Donegal & Derry meet to where the DED of Kinvara & Abbey meet in Galway Bay

Francis O’Gara
Tel No. 071-9148662

Co. Mayo

From a point in Killala Bay where the D.E.D.’s of Castleconnor West & Ballysakeery meet to where D.E.D.’s of Erriff & Letterbrickaun meet in Killary Harbour

Tom Connaughton
Tel No. 094 – 9037088

Mary Sheridan
Tel No. 094 - 9037184

Co. Galway

D.E.D.’s Erriff & Letterbrickaun meet in Killary Harbour to where D.E.D.’s of Kinvara & Abbey meet in Galway Bay

Judy Minihan
Tel No. 091 – 536341 or Mobile 087 - 2564819

John Donnellan
091 – 537411

Co. Louth

Carlingford Lough to the Mouth of the Boyne at Mornington

Jack Ryan
Tel No. 042 - 9353358

Pat Toner
Tel No. 041 - 9847038

Dublin Region

Poolbeg to Killoughter Strand, Co. Wicklow

Edwin Daly
Tel No. 01 – 8776392 or Mobile 087 - 6878421

Clogherhead to Poolbeg

Aidan Lynch
Tel No. 01 – 8776252

Clogherhead to Killoughter Strand, Co. Wicklow

Karl Higgins
Tel No. 01 – 8776301 or Mobile 086 - 2007301

South West Region

Co. Clare

Eastern boundary of Abbey D.E.D. to Eastern Boundary of Clenagh D.E.D.

Tom Fitzgerald
Tel No. 065 – 4849021

DED of Kinvara & Abbey meet in Galway Bay to Youghal Bridge, Co. Cork

Michael Clancy
065 – 6849013

John O'Shaughnessy
061 - 716101

Co. Limerick

Clenagh D.E.D. to Tarbert D.E.D.

Charles O'Connell
Tel No. 061 – 212848 or Mobile 087 - 9732121

Gearoid M. Corcorain

Tel No. 069 – 65151

Co. Kerry

Eastern boundary of Tarbert D.E.D. to Southern boundary of Kenmare D.E.D.

Michael Golden
Tel No. 066 - 7161172

Concubhair O’Murchu
Tel No. 066 – 7161130 or Mobile 086 –2590617

Co. Cork

Kenmare Pier, Co. Kerry to Galley Head, Co. Cork

John Finn
Tel No. 027 - 53210

Galley Head, Co. Cork to Youghal Bridge, Co. Cork

Peter G. Greenway
Tel No. 021 – 4324419 or Mobile 087 - 6878431

East & South East Region

Co. Waterford

Youghal Bridge, Co. Cork to Killoughter Strand, Co. Wicklow

Thomas Peter Jacob
Tel No. 051-862279 or Mobile 086 - 8543774

Aidan G. Connolly
051 – 862276 or Mobile 086 - 8152034

Marin P. Coleman
051 – 862166 or Mobile 086 - 8152036

Co. Wexford

Courtown Harbour, Co. Wexford to Baginbun point, Co. Wexford

Herbie Honohan
053 - 9149452

Margaret Martin
053 – 9149345

Philip Lacey
053 -9149395

Co. Wicklow

Killoughter Strand, Co. Wicklow to Courtown Harbour, Co. Wexford

Ger O'Callaghan
Tel No. 0402 – 20450

Des Davitt
Tel No. 0404 - 67222

Appendix IV

Wr. Forms

WR.1 - Report of a Shipping Casualty

Wr.2 - Examination on Oath

Wr. 5,7 &11 - Report of Wreck taken into Possession

Wr.10 - Report Book

Wr.24-25 - Claim to Wreck or Other Property

Reviewed April 2014