

# **The Merchant Shipping (Wrecks and Salvage) Rules, 1974**

UNION OF INDIA

India

## **The Merchant Shipping (Wrecks and Salvage) Rules, 1974**

### **Rule**

### **THE-MERCHANT-SHIPING-WRECKS-AND-SALVAGE-RULES-1974 of 1974**

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The Merchant Shipping (Wrecks and Salvage) Rules, 1974Published vide Notification Gazette of India, 1974, Section 3(i), page 2826.

**1794.**

G.S.R. 1218, dated 31st October, 1974. - In exercise of the powers conferred by section 404 and sub-section (2) of section 458 of the Merchant Shipping Act, 1958 (44 of 1958) and of all other powers hereunto enabling the Central Government hereby makes the following rules, namely:-

## **Part I – Preliminary**

### **1. Short title and commencement.**

(1)These rules may be called the Merchant Shipping (Wrecks and Salvage) Rules, 1974.(2)They shall come into force on the date of their publication in the Official Gazette.

### **2. Definitions.**

(1)In these rules, unless the context otherwise requires"---(a)"Act" means the Merchant Shipping Act, 1958 (44 of 1958);(b)"jurisdiction"in relation to a receiver of wreck means the local limits specified in the notification issued under sub-section (1) of section 391 of the Act;(c)"Mercantile Marine Department District" means the areas of jurisdiction of the respective principal officers specified the First Schedule to these rules;(d)"near the coasts of India" means at any port or place in

India or within the territorial waters of India;(e)"Owner"includes the master of a vessel where the wreck comprises of a vessel;(f)"principal officer" means an officer appointed by virtue of sub-section (2) of section 8 of the Act;(g)"port" means a port as defined in the Indian Ports Act, 1908 (15 of 1908);(h)"receiver" means the receiver of wrecks appointed under sub-section (1) of section 391 of Act;(i)"Schedule" means a Schedule annexed to these rules;(j)"valuer" means any person appointed by the receiver under these rules to assess the value of any vessel, or any equipment of such vessel, or any other article of cargo or stores of such vessel.(2)Words and expressions used in these rules but not defined in sub-rule (1) shall have the respective meaning assigned to them in the Act.

## **Part II – Wrecks**

### **3. Communication of intelligence of wreck.**

- Where a receiver receives intelligence of any vessel having been wrecked or stranded or of being in distress, he shall, immediately on receipt of such intelligence communicate it to the principal officer.

### **4. Procedure to be observed on finding a wreck.**

(1)Any person who finds and takes possession of a wreck within the limits of jurisdiction of a receiver or brings any such wreck within such limits shall as soon as practicable, make a report in writing to the receiver in the form specified in the Second Schedule.(2)The receiver shall forward a copy of every such report to the principal officer.

### **5. Procedure for taking possession Of sunken or abandoned wreck.**

(1)When a receiver receives intelligence that a wreck, being a vessel, is sunk or stranded near the coasts of India and is abandoned by its owner he shall, as soon as practicable, proceed to the place where such vessel lies, drop a lead line over such vessel and make a declaration that he has taken possession of the wreck in exercise of his powers under the Act.(2)Where a receiver receives intelligence that a wreck, not being a vessel is found near the coasts of India, he shall, as soon as practicable proceed to the place where such wreck is lying and take possession of the wreck physically. Where it is not practicable to take physical possession of the wreck he shall make a declaration ensure that he has taken possession of the wreck in exercise of his powers under the Act.

### **6. Action to be taken on taking possession of a wreck.**

(1)The receiver in taking possession of a wreck shall-(a)if the wreck consists of a vessel other than an Indian office vessel, send a written intimation giving particulars of the I as, I wrecked vessel to the nearest consular officer of the country in which the vessel is registered, under intimation to the principal officer,(b)if the wreck consists of an Indian vessel, send a written intimation to the owners of the vessel under intimation to the principal officer;(c)if the wreck consists of any parts, articles, or equipments of a vessel other than an Indian vessel, send a written intimation giving particulars of such parts, articles or equipments of the vessel to the nearest consular officer of the country in

which the vessel is registered under intimation to the principal officer;(d)if the wreck consists of any parts, articles or equipments of an Indian vessel, send a written intimation giving particulars of such parts, articles or equipments of the vessel to the owners of the vessel, under intimation to the principal officer;(e)if the wreck consists of any cargo cast overboard from a vessel other than an Indian vessel, send a written intimation giving particulars of such cargo to the nearest consular officer of the country in which the ship is registered under intimation to the nearest customs officer and. the principal officer;(f)if the wreck consists of any cargo cast overboard from an Indian vessel engaged in trading otherwise than in the coasting trade of India, send a written intimation giving particulars of such cargo to the owner of the vessel, under intimation to the nearest customs officer and the principal officer;(g)if the wreck consists of any cargo cast overboard from an Indian ship engaged in the coasting trade of India, send a written intimation giving full particulars of such cargo to the owner of the vessel, under intimation to the principal officer; and(h)if the wreck consists of any vessel owned and operated by a Government Department or any article of cargo or equipment of such vessel, send a written intimation giving full particulars of such vessel or, as the case may be, its articles of cargo or equipment to: the appropriate authorities of the Department concerned, under intimation to the principal officer:Provided that where in any case referred to in clauses (c), (d), (e), (f) or (g) the identity of the vessel from which the wreck has ensued has not been established, the receiver shall send intimation to the principal officer.(2)Where any wreck, being a vessel, sunken or stranded causes or is likely to cause an obstruction or danger to navigation in a fairway leading to any port or place in India, the receiver shall send a report of such obstruction or danger to navigation to the principal officer in the form set out in the Third Schedule. Such report shall, as far as practicable define the size and nature of the obstruction and its location on the appropriate hydrographic chart.

## **7. Publication of notification by receiver.**

(1)Every notification to be published by a receiver under section 397 of the Act shall be in the form set out in the Fourth Schedule. Every such notification shall be issued within forty eight hours of taking possession of the wreck and be displayed on the notice board in the office of the receiver for not less than fourteen days. A copy of every such notification shall be sent to the principal officer.(2)Where the estimated value of any wreck exceeds five hundred rupees, the receiver may, in addition to the notification referred to in sub-rule (1), publicise the wreck by an advertisement in three or a consecutive issues of at least two news papers which have a wide circulation in the Mercantile Marine Department District concerned.

## **8. Report to underwriter.**

- Where a wreck consists of a vessel or of any article or equipment belonging to a vessel, the receiver shall forward a copy each of the notification issued by him under section 397 of the Act and advertisement, if any issued under the sub-rule (2) of rule 7, to the appropriate underwriters, if known.

## **9. Claims to wreck.**

- All claims to the wreck or sale proceeds thereof shall be made to the receiver in Part-I of the Fifth Schedule.

## **10. Claims in doubtful cases.**

- Where, in respect of any claim made for the delivery of a wreck or, as the case may be, for the sale proceeds thereof, the receiver has any doubt as to the title to the claimant, he may require such claimant to fill up Part II of the Fifth Schedule and may further require him to produce such other evidence of title to the claim as he may consider sufficient for entertaining the claim. In any such case the receiver may make inquiries from registrar of ships, shipper, consignee and other person as he may deem necessary for satisfying himself as to title of the claimant.

## **11. Claims by agents or assigns.**

- No claim made by an agent or, as the case may be, an assignee of the owner of the wreck may be entertained unless the claimant satisfies the receiver, by production of such documents as he may consider sufficient for such satisfaction, that the agent or assignee has been duly authorized in this behalf by the owner.

## **12. Claim of a representative of deceased owner.**

- No claim in respect of any article of wreck or sale proceeds thereof belonging to any deceased master, seaman or passenger of a wrecked vessel shall be entertained unless the claimant satisfies the receiver, by production of such documentary evidence as the receiver may deem necessary as to his title to such article or sale proceeds thereof.

## **13. Delivery of wreck to rightful owner.**

(1) Any rightful owner of a wreck, who has established his title to a wreck or any part thereof or the sale proceeds of such wreck or part thereof to the satisfaction of the receiver in accordance with the provisions of these rules, shall be under an obligation to pay to the receiver salvage charges, any other expenditure properly incurred by the receiver for the recovery, preservation or safety of the wreck and fees payable to the receiver under rule 27.(2) A receiver may withhold delivery of any wreck or part thereof or sale proceeds of such wreck or part thereof to any claimant until his claim referred to in sub rule (1) is settled in full.(3) For the purposes of this rule a claimant shall be under an obligation to pay salvage charges and other expenses incurred by the receiver in respect of the entire property constituting the wreck notwithstanding whether his claim pertains to the entire property or a part thereof.(4) The receiver shall, on hand over a wreck or sale proceeds thereof obtain from the claimant a receipt in Part-I of the Fifth Schedule.

#### **14. Sale of unclaimed wreck.**

(1)Receiver may sell any wreck which attracts the provisions of section 398 of the Act in accordance with the provisions of rule 15.(2)No wreck which does not attract the provisions of section 398 of the Act, may be sold except under instructions in writing from the Central Government or any other officer authorised by it in this behalf. In respect of every such wreck receiver shall seek instructions from the Central Government or any other officer authorised by it in this behalf through the principal officer immediately after expiry of 12 months from the date of taking possession of the wreck.

#### **15. Procedure for the sale of a wreck.**

(1)A receiver shall not sell any wreck otherwise than by public auction. Every such sale shall be made on as is where is basis with purchaser assuming full responsibility for any taxes payable to Government or port authorities and for encumbrance on the wreck such as maritime lines.(2)A notice for sale of a wreck shall be published not less than fourteen days in advance of the appointed date of sale, in three consecutive issues of at least two daily news papers having a wide circulation in the Mercantile Marine Department District concerned. Every such notice shall include"(a)the description of the wreck under sale, its site and other known details, if any;(b)the percentage of the auction price that shall have to be paid as down-payment immediately after the conclusion of the auction;(c)the period within which the balance amount shall be payable by the successful bidder;(d)any other details as may be deemed necessary depending upon the nature of the wreck being sold and the circum stances under which it is being sold;(e)a provision reserving right in the receiver to reject highest bid or to postpone or cancel the sale without assigning any reason there for;(f)a provision to the effect that amount of down-payment referred to in clause (b) shall be liable to forfeiture, should the successful bidder fail to effect full and final payment of the balance amount the period stipulated in clause (c)(3)Where a receiver does not accept. highest bid or postpones or cancels any auction he shall record in writing the reasons therefore and make a report to the Central Government.(4)Where any auction is frustrated by reason of receiver having rejected the highest bid, or having cancelled the auction or by reason of failure on the part of the highest bidder to effect full and final payment of the price within the stipulated period, the receiver shall organise a fresh sale of the wreck.

#### **16. Wreck spread over two or more receivers jurisdiction.**

- When a part of any wreck is washed or brought ashore within the jurisdiction of one receiver and the remaining part thereof is so washed or brought ashore in the jurisdiction of another receiver or receivers, each receiver shall act independently of each other.

#### **17. Wreck delivered in the jurisdiction of another receiver.**

- When a wreck found in the jurisdiction of any receiver is delivered to any other receiver, the latter shall immediately report the matter to the former. The disposal of such wreck shall be done by the

receiver to whom it is delivered in the like manner as if it was found in his jurisdiction.

## **18. Property proved not to be wreck.**

(1) No receiver shall take possession of any property which prima-facie does not appear to be a wreck. (2) Any property taken possession of by the receiver is found as not constituting a wreck, shall be delivered to the rightful owner when claimed, subject to the latter agreeing to meet the reasonable expenses incurred by the receiver for its safe preservation as contemplated in rule 25.

## **19. Buoys found adrift or ashore.**

- When receiver receives intelligence of any buoy being adrift or having been washed ashore or when any such buoy is delivered to him he shall send a report with such particulars as may be available to the nearest office of the directorate of light houses and light ships under intimation to the principal officer. Where a receiver is not able to communicate with the nearest office of "the directorate of light houses and light ships, he shall report the matter to the principal officer who shall transmit the report to the appropriate authorities.

## **Part III – Salvage**

### **20. Salvage.**

(1). Owner of any vessel in distress or master or any other person duly authorised by the owner in this behalf may enter into an agreement with any person for rendering salvage services to the vessel in distress. Any such agreement may provide for: (i) the amount payable to the salvor in the event of successful completion of the venture; (ii) the amount payable to the salvor in the event of partial success of the venture; (iii) the rights and responsibilities of the parties to the contract including the right of salvor for remuneration and remedies for its recovery; (iv) the manner in which any dispute arising out of the agreement shall be settled; and (v) any other matter of particular importance or relevance to the subject matter of the agreement. (2) Where any vessel to which salvage services have been rendered constitutes a wreck, the owner thereof, if he claims the wreck, should be afforded an opportunity to settle all matters relating to salvage charges between him and the salvor. In any such case, the delivery of the wreck to the owner shall be withheld until the receiver is satisfied that all claims relating to salvage charges have been settled to the satisfaction of the parties concerned. (3) Where in any such case, the owner or the salvor reports to the receiver that matters relating to salvage could not be settled amicably between the parties and the dispute is sought to be settled in accordance with the provisions of sub-sections (4) and (5) of section 402 of the Act, the receiver shall withhold delivery of the wreck to the owner until the judgement of the competent court becomes available and on receipt of the judgement he shall cause the claim relating to salvage charges to be settled in accordance with the said judgement before making over delivery of the wreck to the owner. (4) Where any vessel to which salvage services are rendered constitutes a wreck but the owner does not claim the wreck, the receiver shall undertake responsibility for settling all matters, relating to salvage in accordance with the provisions of rule 21.

## **21. Determination of amount due as salvage.**

(1) Save where there exists an express agreement between the owner and salvor, the amount of salvage due to any person under the provisions of section 402 of the Act shall be determined having regard to the following considerations, namely:-(a) nature and degree of danger to which human life and or property saved was exposed; (b) aggregate value of the property saved; (c) sale proceeds of salvaged property where such property was sold; (d) nature and degree of risk incurred by salvor; (e) value of salvor's property engaged in salvage service and nature and degree of danger to which it was exposed; (f) responsibilities incurred in performance of salvage service such as risk to insurance, liability to passengers or cargo or both through deviation or delay; (g) loss incurred in performance of salvage service such as detention, loss of profitable trade, damage suffered by vessel, its equipment or gear; (h) expenses properly incurred by salvor in furtherance of salvage service; (i) expenses incurred by salvor towards loss of or injury to life or damage to property arising out of salvage service; (j) skill shown by salvor in rendering service; and (k) time spent and labour involved in rendering salvage service. (2) Where clause (k) of sub-rule (1) is the only criterion on which salvage claim is based, no salvage shall be payable.

## **22. Appointment of valuers.**

(1) For the purposes of determining the value of any property salvaged or for valuating any factor referred in sub-rule (1) of rule 21 the receiver may appoint a valuer from a panel of valuers which shall be recommended to him by the principal officer on request. (2) The receiver shall keep on record the valuer's report and give attested copies thereof to the owner and salvor. (3) There shall be paid to the valuer such charges as the receiver may consider reasonable and any such charges shall be a charge on the expense account of salvage; Provided that where a valuer is appointed at the request of either the owner or the salvor without the consent of the other party, the charges shall be paid by the party at whose request the valuer was appointed.

## **23. Salvage Award.**

(1) No salvage award shall be made-(a) in any case where the property or sale proceeds thereof are claimed by the owner or his duly authorized agent or assign, until the title of the claimant to the said property or sale proceeds thereof is established; (b) in any case where the property is not claimed by its owner or his duly authorized agent or assign, until the said property is sold. (c) in any case where either party has applied for the appointment of valuer under rule 22, until the valuer's charges have been paid. (2) Where the receiver has made a salvage award, he shall withhold the delivery of the wreck to the owner until the owner obtains a release from the salvor in respect of salvage due to him under the said award. (3) Where the receiver has disposed of any wreck he shall settle the salvor's claim in accordance with the award from within the sale proceeds of the wreck and obtain a receipt from the salvor in token of his having received the amount in full and final settlement of his claim, before effecting payment of balance sale proceeds to the owner.

## **Part IV – General**

### **24. Salvage and other charges payable by owner.**

(1) There shall be paid to the receiver the following amounts before the wreck or other property or both, or the sale proceeds thereof, is handed over to the owner or his duly authorized agent or assign, in pursuance of section 399 of the Act, namely: (a) the amount of expenses including: (i) warehousing charges; (iii) security arrangement charges; and (iv) travelling charges incurred by the receiver in performance of his duties or any other expenses reasonably incurred by him for due performance of his duties; and (b) the amount of fees due to the receiver under rule 27; (2) Where the receiver has dealt with salvage matters respecting any wreck pursuant to the provisions of sub-rule (4) of rule 20, the amount referred to in sub-rule (1) shall also include the amount of salvage determined under rule 21 and the charges if any; payable to the valuer under rule 22; Provided that the valuer's charges shall not be included in the amount if the valuer was not appointed on application from any other party. (3) The receiver shall furnish to the claimant a statement of charges and other deductions referred to in sub-rule (1) together with attested copies of relevant vouchers. (4) The receiver shall on handing wreck or any other property or sale proceeds thereof to the claimant, obtain a receipt from the claimant in token of having received such wreck, other property or the sale proceeds thereof in Part-I of the Fifth Schedule.

### **25. Services rendered to vessels stranded or otherwise in distress.**

(1) Where any vessel not constituting a wreck, on being stranded or otherwise in distress, receives any assistance from the receiver for saving life or property on board, including its gear, anchor, boats and other equipments, the owner of such vessel or property shall be liable for payment of all expenditure reasonably incurred by the receiver in providing such assistance. (2) Where, in respect of any such services, salvage charges become due to any person under the provisions of the Act or any charges become due to the receiver under sub-rule (1) the receiver shall have the authority to detain the vessel until all such claims respecting salvage and other charges are settled by the owner. Provided that no vessel shall be detained under this sub-rule if the owner thereof provides adequate security to the receiver for payment of any amount due from him. (3) Any security given in pursuance of proviso to sub-rule (2) shall be enforceable by a competent court having jurisdiction under sub-section (4) of section 402 of the Act in the like manner as if a bail had been granted and enforced by that court.

### **26. Receipts and expenditure.**

- The receiver shall meet all expenses and other charges incurred by him in performance of his duties from the sanctioned budget of the principal officer under the appropriate expenditure head and shall credit all receipt to the appropriate revenue head: Provided that port authorities performing duties by virtue of their appointment as receivers under section 391 of the Act, shall debit all such expenses and other charges and credit all receipts to their respective port funds.



## 27. Fees.

- In respect of all or any of the matters specified in the Sixth Schedule there shall be paid to the receiver such fees as are specified in the said Schedule.

## 28. Report book.

(1) Every receiver shall maintain a register in the form specified in the Seventh Schedule recording full particulars of any wreck which he has taken possession of and of the monies received and paid in respect of any such wreck. (2) Where, in respect of any wreck salvage becomes due to any person, the receiver shall obtain the Salvor's warrant in the form specified in the Eighth Schedule before finalisation of accounts.

## 29. Penalties.

- Whosoever commits a breach of any of the provisions of these rules shall be punishable with fine which may extend upto one thousand rupees and if the breach is a continuous one with further fine which may extend to rupees fifty for every day after the first during which the breach is continuous. The First Schedule [See rule 2(c)] The jurisdiction of each of the three Mercantile Marine Department Districts extends to the areas specified hereunder, namely: "Bombay District Comprises the States of Gujarat, Maharashtra and portion of Karnataka upto and including port of Bhatkal in North Kanara District, and Union territory of Goa, Daman and Diu. Calcutta District Comprises the States of Orissa, West Bengal, and Union territory of Andaman and Nicobar Islands. Madras District Comprises the remaining portion of Karnataka State (South of Port Bhatkal), States of Kerala and Tamil Nadu and the Union territories of Pondicherry, and Laccadive, Minicoy and Amindivi Islands. The Second Schedule (See rule 4) Issued by the Government of India Report by a salvor or A person finding the wreck on wreck or other articles found and delivered to a Receiver of Wreck, under the provisions of the Merchant Shipping Act, 1958. (A) Date and Place of Finding the Property.

Date when found				Place where found
Year	Month	Date	Hour	If found afloat state "afloat", and give the bearings and distance of some well-known place. If ashore state "ashore" and give the exact spot where found.
1	2	3	4	

### (B) Particulars of the Property Found Or Salvaged

Description of Articles	Estimated value	Name, Official No. and port of Registry of vessel to Which belonging (if known.)	Name and Address of owners of Property (if known).
6	7	8	9

£Rs.

(C) Nature And Duration Of Salvage Services

Nature of Services	Duration of Services	Time of Commencement	Time of ending
10	11	12	

(D) Declaration by Salvors (This Declaration in Division D is not to be filled up unless more than two persons are entered to Salvage). We, whose names are hereunto subscribed, declare that the particulars contained in Division A, B and C of this form are correct and true to the best of our knowledge and belief; and we hereby authorize ..... of ..... to report the property to the Receiver, on our behalf. Dated at ..... this ..... day of ..... 19 ..

Signature of Salvors

The above signature were witnessed by me

(E) Report to the Receiver (I) (We ..... of ..... (being duly authorized by the other Salvors of the property) hereby report the property to you as Receiver, in pursuance of the provisions of the Merchant Shipping Act, 1958. (I) (We) declare that the particulars contained in Divisions A, B and C of this Form are correct and true to the best of (my) (our) knowledge and belief, and (I) (We) claim the salvage due. (I) (We) also declare that the property flow reported is all that has come into (my) (our) possession and that (I) (We) have not kept back or disposed of any part of the property recovered. Dated ..... this ..... 19 ..... Signature and residence of Claimant Signature and residence of witness ..... To the Receiver of Wreck At The Third Schedule [See rule 6(2)] Issued by the Government of India Obstruction to Navigation report of Derelict Vessel, or Floating Wreckage, or Sunken Wreck

Queries	Replies
1. Name and address of informant	1
2. Name and port of the vessel to which she belongs.	2
3. Voyage.	3
4. (a) Nature and size of obstruction (b) Nature of danger to navigation	4(a) 4(b)
5. Name and port of derelict or sunken wreck if known, and if not known, any particulars which might lead to its identification.	5
6. Description of the wreckage and any marks which might lead to its destination.	6
7. Date and hour when the derelict, wreckage, wreck was last seen and date and hour of report made by radio telegraphy, if fitted.	7
	8

8.If sunken wreck, the exact spot in which lying and the bearingsof any fixed Object that can be give a (Tracing from chargeshowing exact spot).

9.If a derelict or floating wreckage the place where last seen, andthe direction in which drifting. 9

10.Whether the derelict was boarded by the informant or any of hiscrew. 10

11.Whether she was dismasted 11

12.Whether she was waterlogged 12

13.Whether she had capsized 13

14.Did she appear to have been in collision. 14

15.If laden, the nature of her cargo 15

16.Was any attempt made to take her In tow or to destroy her, and ifwhy not. 16

17.Any other particulars which the Receiver may think relevant. 17

18.Date of making this report 18

19.Date of informing underwriters or their agents 19

Note. - The questions which do not apply should be struck-out.Forwarded to the Principal Officer, Mercantile Marine Department, DistrictDated, this .....day of

.....19.....Signature Of ReceiverThe Fourth Schedule(See rule 7)Issued by the Government of IndiaNotice of wreck in the custody of a Receiver

Descriptionof articles and marks thereon, (if any)	Wherefound	Whenfound	Supposedvalue	Whe
1	2	3	4	5

.....Datedthis.....day of.....19.....Receiver

The Fifth Schedue(See Rules 9 and 10)Issued by the Govt. of IndiaClaim to wreck or other property in the custody of a receiver of wreckPart -I

Name,Port of Registry, And Official No. of vessel	Nameand Residences of Owner and Master	Titleof Claim.	ReferenceNo. in Report Book	Descriptionof Property and of Marks, thereon, if any.	EstimatedValue.
1	2	3	4	5	6
.....	.....	.....	Rs.PTotal Value, TotalCharges	Ifsold Gross Proceeds Charges paid viz.-SalvageTravellingIncidentalexpe warehouse rentFeespayable to ReceiverFees,if any, payable to the valuerChargesoutstanding viz.-SalvageTravellingIncidentalexpe	Rs. P. Rs. P.

warehouse  
rentFeespayable to  
ReceiverFees,if any,  
payable to the  
valuerNetProceeds

Note. - In any case of doubt as to title the declaration specified in Part II of this Schedule should be required to be made. Note. - Obliterate words that do not apply. I hereby certify that the claimant in this case has produced satisfactory proof of ownership, or agency assignation of interests and that I consider him entitled to the @ (net proceed c,"sale) property descricited in column 5 above; payment of all just expenses as stated in column 7 3ve having been made. Dated this ..... day of .....19.....Signature of ReceiverReceived this.....day of.....19.....of the Receiver at .....the@(Net proceeds of sale of the) property described form column 5 above. Revenue stamp of appropriate value to be affixed if payment in Cash exceeds Rs. 20. Claimant

## Part II – Declaration to be made by Claimant when Receiver has any doubt as to his Title.

Descriptionof Documents produced in support of Claim

8

I, .....do solemnly and Sincerely declare,

- 1. That the particulars contained in Columns 1, 2, 3,4, 5 & 7 of the Form on the other side hereof are correct and true.**
- 2. That I am entitled to possession of the property, described therein, and that I hereby claim possession of the said property, subject to the payment of all just expenses.**
- 3. That the document produced herewith, as evidence of ownership, agency or assignation of interests and described in column 8 of the said Form are true and genuine documents, and that the said .....mentioned in such documents is the said .....abovenamed.**

And I make this solemn declaration conscientiously believing the same to be true.....Signature of ClaimantDeclared before me at .....this .....day of .....19.....Signature of Receiver

Dateof Receipt	Estimatedvalue	Descriptionof Name& property	Name,Official Address of	No. & Port of	PARTICULARSOF SALVAGE
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The Merchant Shipping (Wrecks and Salvage) Rules, 1974

		owners (if known)	Registry of vessel (if known)			Date when found	Exact where found
1	2	3	4	5	6	7	
PARTICULARS OF SALVAGE TRANSACTION IN RESPECT OF WRECK				Date of sale to whom sold			
Services rendered	Name of Salvor	Address of Salvor			Charges on the wreck		
					Account of money received from owners		
8	9	10			11	12	13
					As deposit for salvage etc. of which was disposed of in payment of charges as per contract.		
		1. Travelling	Rs. P		Rs. P		
		2. Incidental expenses such as warehouse rent, cartage etc.					
		3. Fees payable to Receiver			Balance of deposit returned to owners		
		4. Fees, if any, payable to the valuer.					

5. Customs  
duties

6. Salvage

Total charges

As payment  
of  
charges  
as per  
contract.

PARTICULARS OF WRECK SOLD	WRECK DELIVERED OR SALE PROCEEDS PAID TO OWNERS		Reference vouchers under correspondence or particulars entered overleaf		
	Net proceeds to be paid to owners or held in deposit under Section 398 of the MS Act, 1958	Date of payment or delivery	To whom paid or delivered	Whether or agent etc.	
Amount realised by sale					
15	16	17	18	19	20
Rs. P	Rs. P				
Gross Proceeds. Deduct. Expenses per column. 11.					

REFERENCE NUMBER	FURTHER PARTICULAR
The Sixth Schedule (See rule 27)	Scale of fees of receiver of wreck (See Rule)
(1) For every report sent by the Receiver to the Underwriter or his agent under rule 8	Rs. 15/00.
(2) For every wreck taken into possession by or in the custody of the Receiver under section 39 of the Act:	
(a) if the wreck is a ship as defined in section 3(45) of the Act	5% of the value of such a ship but not exceeding Rs. 5000/-
(b) if the wreck is a sailing vessel as defined in section 3(39) of the Act or an inland vessel as defined in section 2(1) of the Inland Steam Vessels Act, 1917 (Act I of 1917)	1% of the value of such a sailing vessel or inland vessel but exceeding Rs. 10000/-
(c) if the wreck is a vessel other than those mentioned in sub-clauses (a) and (b)	Half of the value of such a vessel but not exceeding Re. 50.00/-
(d) if the wreck is of the description of goods other than the mentioned in sub-clauses (a), (b) & (c)	1% of the aggregate value of such goods but not exceeding

Rs.100.00/-

(3) For services rendered by the Receiver under Section 392, 393 and 394 of the Act in respect of a vessel, not being a wreck, stranded or in distress or in respect of articles forming part of or belonging to such vessel or any goods taken out or washed ashore from such vessel.

(a) if the value of the vessel with her cargo, if any, exceeds Rs. 20,000/-.

Re. 32/00 for the first visit and Rs. 16/00 for subsequent visits subject to a maximum of Rs. 128/-.

(b) if the value of the vessel with her cargo, if any is Rs. 20,000/- or under.

Rs. 16/00 for every visit, subject to a maximum of Rs. 64/-.

The Seventh Schedule [See rule 28(1)] Issued by the Government of India Report Book Particulars Of Wreck Taken possession of by the Receiver of Wreck named below.

Name of Officer	Title of office	Where stationed
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(a)(b)(c)(d)(e)

Note. - This book is to contain full particulars of Wreck or other articles taken into Custody by the Receiver, or seized by or reported to him, and of all transactions in respect thereof. Cases in which the Receiver render services to a vessel in distress but does not take it into his custody, are also to be entered therein. All the entries are to be made legibly and in ink. The Report Book should, in fact, be kept in such a manner as to enable the Receiver to ascertain at once, and without reference to any other documents, the value of each article bearing a separate reference number (or if the article has been sold, of the gross) proceeds of sale), and all sums received and paid on account thereof, and the disposal of the property or proceeds of sale. The Eighth Schedule [See rule 28(2)] Reference

No. Salvor's Warrant I am prepared to accept the sum of Rs ..... (rupees ..... and ..... paise only) in full satisfaction of all demands for Salvages in respect of the property, herein described. Rs. .... Salvor Signature and Address of the Witness Received on the ..... day of from ..... the under mentioned Salvor, the property described below. Receiver

Name of Salvor

(a)(b)(c)(d)(e)(f)

Description of Property

(a)(b)(c)(d)(e)